

Public Document Pack

TENDRING DISTRICT COUNCIL

AGENDA

For the meeting to be held on Tuesday, 15 May 2018

Prayers

1 Summons to Council (Pages 1 - 2)

2 Apologies for Absence

The Council is asked to note any apologies for absence received from Members.

3 Minutes (Pages 3 - 34)

The Council is asked to approve, as correct records, the minutes of the following:

(a) Council Meeting held on 27 March 2018; and

(b) Annual Meeting of the Council held on 24 April 2018.

4 Declarations of Interest

Councillors are invited to declare any Disclosable Pecuniary Interests or Personal Interest, and the nature of it, in relation to any item on the agenda.

5 Announcements by the Chairman of the Council

The Council is asked to note any announcements made by the Chairman of the Council.

6 Announcements by the Chief Executive

The Council is asked to note any announcements made by the Chief Executive.

7 Statements by the Leader of the Council

The Council is asked to note any statements made by the Leader of the Council.

Councillors may then ask questions of the Leader on his statements.

8 Statements by Members of the Cabinet

The Council is asked to note any statements made by Members of the Cabinet (Portfolio Holders).

Councillors may then ask questions of the Portfolio Holders on their statements.

9 Petitions to Council

The Council will consider any petition(s) received in accordance with the Scheme approved by the Council.

There are none on this occasion.

10 Questions Pursuant to Council Procedure Rule 10.1

Subject to the required notice being given, members of the public can ask questions of the Leader of the Council, Portfolio Holders or Chairmen of Committees.

The Chairman shall determine the number of questions to be tabled at a particular meeting in order to limit the time for questions and answers to half an hour.

There are none on this occasion.

11 Questions Pursuant to Council Procedure Rule 11.2 (Pages 35 - 36)

Subject to the required notice being given, Members of the Council can ask questions of the Chairman of the Council, the Leader of the Council, Portfolio Holders or Chairmen of Committees or Sub-Committees.

The time allocated for receiving and disposing of questions shall be a maximum of 45 minutes. Any question not disposed of at the end of this time shall be the subject of a written response, copied to all Members unless withdrawn by the questioner.

Two questions have been received, on notice, from Members.

12 Report of the Leader of the Council - Urgent Cabinet or Portfolio Holder Decisions

The Council will receive a report on any Cabinet decisions taken as a matter of urgency in accordance with Access to Information Procedure Rule 17.4, Budget and Policy Framework Procedure Rule 6(b) and/or Overview and Scrutiny Procedure Rule 18(i).

There is no report on this occasion.

13 Minutes of Committees (Pages 37 - 60)

The Council will receive the minutes of the following Committees:

- (a) Standards of Monday 19 March 2018;
- (b) Community Leadership and Partnerships of Monday 19 March 2018;
- (c) Audit of Thursday 22 March 2018; and
- (d) Service Development and Delivery of Wednesday 4 April 2018.

NOTE: The above minutes are presented to Council **for information only**. Members can ask questions on their contents to the relevant Chairman but questions as to the accuracy of the minutes **must** be asked at the meeting of the Committee when the relevant minutes are approved as a correct record.

14 Motion to Council - Renewal and dualling of the A120 between Harwich and Horsley Cross (Pages 61 - 62)

The Council will consider a motion, notice of which has been given by Councillor I J Henderson, pursuant to Council Procedure Rule 12.

15 Motion to Council - Additional Flag Raising Days at the Town Hall (Pages 63 - 64)

The Council will consider a motion, notice of which has been given by Councillor Pemberton, pursuant to Council Procedure Rule 12.

16 Motion to Council - Former Public Conveniences at Ipswich Road, Holland-on-Sea (Pages 65 - 66)

The Council will consider a motion, notice of which has been given by Councillor Winfield, pursuant to Council Procedure Rule 12.

17 Recommendations from the Cabinet

The Council is asked to consider any recommendations submitted to it by the Cabinet.

There are none on this occasion.

18 Reports Submitted to the Council by an Overview and Scrutiny Committee

The Council is asked to consider any reports submitted to it by an Overview and Scrutiny Committee.

There are none on this occasion.

19 Report of the Head of Leadership Support and Community - A.1 - Community Governance Reviews (Pages 67 - 70)

To enable Council to consider the outcome of Community Governance Reviews undertaken in Harwich and in St Osyth.

20 Urgent Matters for Debate

The Council will consider any urgent matters submitted in accordance with Council Procedure Rules 3(xvi), 11.3(b) and/or 13(q).

Date of the Next Scheduled Meeting of the Council

Tuesday, 3 July 2018 at 7.30 pm - Princes Theatre, Town Hall, Clacton-on-Sea, CO15 1SE

INFORMATION FOR VISITORS

PRINCES THEATRE FIRE EVACUATION PROCEDURE

There is no alarm test scheduled for this meeting. In the event of an alarm sounding, please calmly make your way out of any of the four fire exits in the auditorium and follow the exit signs out of the building.

Please follow the instructions given by any member of staff and they will assist in leaving the building.

Please do not re-enter the building until you are advised it is safe to do so by the relevant

member of staff.

The assembly point for the Princes Theatre is in the car park to the left of the front of the building as you are facing it. Your calmness and assistance is greatly appreciated.

PUBLIC ATTENDANCE AT TENDRING DISTRICT COUNCIL MEETINGS

Welcome to this evening's meeting of Tendring District Council.

This is an open meeting which members of the public can attend to see Councillors debating and transacting the business of the Council. However, please be aware that, unless you are included on the agenda to ask a public question, members of the public are not entitled to make any comment or take part in the meeting. You are also asked to behave in a respectful manner at all times during these meetings.

Members of the public do have the right to film or record council meetings subject to the provisions set out below:-

Rights of members of the public to film and record meetings

Under The Openness of Local Government Bodies Regulations 2014, which came into effect on 6 August 2014, any person is permitted to film or record any meeting of the Council, a Committee, Sub-Committee or the Cabinet, unless the public have been excluded from the meeting for the consideration of exempt or confidential business.

Members of the public also have the right to report meetings using social media (including blogging or tweeting).

The Council will provide reasonable facilities to facilitate reporting.

Public Behaviour

Any person exercising the rights set out above must not disrupt proceedings. Examples of what will be regarded as disruptive, include, but are not limited to:

- (1) Moving outside the area designated for the public;
- (2) Making excessive noise;
- (3) Intrusive lighting/flash; or
- (4) Asking a Councillor to repeat a statement.

In addition, members of the public or the public gallery should **not** be filmed as this could infringe on an individual's right to privacy, if their prior permission had not been obtained.

Any person considered being disruptive or filming the public will be requested to cease doing so by the Chairman of the meeting and may be asked to leave the meeting. A refusal by the member of the public concerned will lead to the Police being called to intervene.

Agenda Item 1

TENDRING DISTRICT COUNCIL

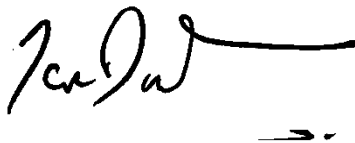
Committee Services
Town Hall
Station Road
Clacton-on-Sea
Essex
CO15 1SE

4 May 2018

Dear Councillor

I HEREBY SUMMON YOU to attend the meeting of the Tendring District Council to be held in the Princes Theatre, Town Hall, Station Road, Clacton-on-Sea at 7.30 p.m. on Tuesday 15 May 2018 when the business specified in the accompanying Agenda is proposed to be transacted.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Ian Davidson', with a long horizontal flourish extending to the right.

Ian Davidson
Chief Executive

To: All members of the
Tendring District Council

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**MINUTES OF THE MEETING OF THE COUNCIL,
HELD ON TUESDAY, 27TH MARCH, 2018 AT 7.30 PM
PRINCES THEATRE, TOWN HALL, CLACTON-ON-SEA, CO15 1SE**

Present:	Councillors Platt (Chairman), Yallop (Vice-Chair), Alexander, Amos, Baker, Bennison, Bray, Broderick, B Brown, J Brown, M Brown, Bucke, Bush, Calver, Cawthron, Chapman, Chittock, Coley, Davis, Everett, Fairley, Ferguson, Fowler, Griffiths, C Guglielmi, V Guglielmi, Heaney, I Henderson, J Henderson, Hones, P B Honeywood, S A Honeywood, Khan, King, Land, Massey, McWilliams, Newton, Nicholls, Pemberton, Poonian, Porter, Raby, Scott, Skeels Jnr, Skeels (Snr), Steady, Stephenson, Stock OBE, Talbot, Turner, Watson, White, Whitmore and Winfield
In Attendance:	Ian Davidson (Chief Executive), Martyn Knappett (Corporate Director (Corporate Services)), Paul Price (Corporate Director (Operational Services)), Ewan Green (Corporate Director (Planning and Regeneration)), Lisa Hastings (Head of Governance and Legal Services), Ian Ford (Committee Services Manager), William Lodge (Communications Manager) and Katie Sullivan (Committee Services Officer)

1. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Callender, Cossens, Gray, Miles and Watling MP.

2. REPORT OF THE RETURNING OFFICER ON THE DISTRICT COUNCIL BY-ELECTION - ST PAULS WARD

The Returning Officer reported that, at the by-election in the St Pauls Ward of the District, held on 15 February 2018, Susan Anne Honeywood had been duly elected as a Councillor, for the St Pauls Ward of the District of Tendring.

The Returning Officer also formally reported to Council that Councillor Honeywood had since made a Statutory Declaration of Acceptance of Office.

Councillor Honeywood had also given notice that she wished to be treated as a member of the Conservative Group for the purposes of the Local Government and Housing Act 1989. That notice had been counter-signed by the Deputy Leader of the Conservative Group, Councillor G V Guglielmi.

The Chairman of the Council welcomed Councillor Honeywood on her re-election to the Council.

Members congratulated Councillor Honeywood with a round of applause.

The Council noted the foregoing.

3. MINUTES OF THE LAST MEETING OF THE COUNCIL

RESOLVED, that the minutes of the ordinary meeting of the Council, held on Tuesday 6 February 2018, be approved as a correct record and signed by the Chairman.

4. DECLARATIONS OF INTEREST**Agenda Item 16 – Motions to Council – Staging Road Motor Rally and Racing Events in Towns and Villages in the District of Tendring**

Councillor White declared a personal non-pecuniary interest in this item insofar as the Rotary Club of Clacton-on-Sea (of which he was a member) had been asked by the Chelmsford Motor Club who were the organisers of the proposed motor rally event in the District to run the car park at West Road, Clacton-on-Sea for the weekend of April 21st and 22nd 2018.

Later on in the meeting Councillor Porter declared an interest in this item insofar as he was also a member of the Chelmsford Motor Club.

Agenda Item 18 – Motions to Council – Highways Repairs Arrangements

Councillors I J Henderson, P B Honeywood, G V Guglielmi and Platt each declared an interest in this item insofar as they were also Members of Essex County Council who were the highways authority.

5. ANNOUNCEMENTS BY THE CHAIRMAN OF THE COUNCIL**Indian Banquet – “A Taste of Bollywood” – held at The Kingscliff Hotel, Holland-on-Sea**

The Chairman thanked those Members who had attended the above event and for their donations to the charity, TeenTalk.

Pride of Tendring Awards

The Chairman thanked all those who had participated in the Awards evening and, in particular, he thanked those members who served on the advisory panel that had put the awards evening together.

6. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE**Formation of the Tendring Independents Group**

The Chief Executive formally reported that, on 26 March 2018, Councillors Lis Bennison, Mike Bush, Mark Stephenson and Ted Whitmore, pursuant to Regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990, had served formal notice on the Council that they wished to be treated as a political group. The name of the political group was Tendring Independents Group. The Leader of the Tendring Independents Group was Councillor Stephenson and Councillor Bush was the deputy Group Leader.

Councillor John Brown

The Chief Executive also formally reported that, pursuant to Regulation 10(b) of the Local Government (Committees and Political Groups) Regulations 1990, Councillor John Brown had served formal notice on the Council that he no longer wished to be treated as a member of the UKIP political group.

Clinical Commissioning Group Governing Body Meeting

The Chief Executive informed Council that, accompanied by the Health and Education Portfolio Holder (Councillor McWilliams), he had that day attended a meeting of the Governing Body of the local Care Commissioning Group (CCG). One of the papers discussed at that meeting was a proposal to align together three CCGs. In conjunction with representatives from Colchester Borough Council, he and Councillor McWilliams had expressed deep concerns about that proposal. Those concerns had included –

- (1) the determinants of health were not all about health;
- (2) a diminution of the Council's positive relationship with the CCG and its understanding of the locality leading to a dilution of the Council's interaction at CCG level and a loss of influence;
- (3) health issues in north Essex need a particular focus and understanding;
- (4) the powers and appointment process for the proposed joint committees;
- (5) further alignment was not clearly defined and no financial implications had been identified; and
- (6) the 'footprint' of north Essex is complex and this would only complicate it further.

As a result the Chief Executive informed Council that the report had been deferred.

Council noted the foregoing.

7. STATEMENTS BY THE LEADER OF THE COUNCIL

There were no statements by the Leader of the Council on this occasion.

8. STATEMENTS BY MEMBERS OF THE CABINET

The Portfolio Holder for Corporate Enforcement (Councillor Nicholls) responded to recent media reports and made a statement in regards to car parking fees and confirmed that a public reassurance had been given that off-street car parking charges in Tendring were not set to rise.

9. ANNUAL STATE OF THE TENDRING DISTRICT STATEMENT BY THE LEADER OF THE COUNCIL

The Council received the Annual State of the Tendring District Statement from the Leader of the Council (Councillor Stock OBE) as follows:-

"I realise that the annual State of Tendring statement is not necessarily the highlight of the municipal year so this I am going to do it a little differently. Instead of hearing my take on how things are I am going to give you an entirely independent view.

As all Members will be aware we recently had an Local Government Association Peer Review.

The Peer Review Team visited Tendring during the 6th to 9th March. The team consisted of a senior Councillor, Chief Executive and senior managers from other Councils. A number of sessions and discussions were held with our Councillors, officers and external partners. They spoke to in excess of 90 people and had more than 30 meetings. Even though the team was only with us for a short period of time, I was impressed by how quickly and how well they got to know us. It did not take them very long at all to understand who we are, what we are and what we are aiming to achieve.

At the end of the visit the Team gave an overview of their feedback, key messages and recommendations. A copy of the full feedback report has been circulated to every Member this evening.

So allow me to quote directly from that report.

“Tendring District Council (TDC) is having a significant and positive impact right across its district. The Leader, Deputy Leader and Chief Executive are passionate and well informed about the area, its local context and challenges. Managers and staff are also committed to TDC. They are well engaged and recognise that the Council has been on a cultural journey which is now leading to improvements.

TDC as a council has made huge strides since 2010. It has become more outwardly focused and is now an effective community leader. It is a member of the key decision making bodies in its area. It is acting as a catalyst for more effective and joined up public services and it is holding other service providers to account. One of the key messages to emerge from this peer challenge is that TDC is even better than the story it is telling about itself. It is understating its achievements to residents and other stakeholders. Being clearer from the outset about desired outcomes will help it to tell the story of its achievements and successes in the district.

Political leadership within TDC is strong. The Leader has made a conscious effort to involve all Members. Cabinet and individual portfolio holders take a proactive approach to leading on the major strands of the policy agenda. Member and officer relationships are good. Members are engaged and well briefed on issues. They value the informal “all member briefings” that take place each month as well as the other opportunities to be involved. Members have taken a political decision to support a boundary review which has reduced their numbers from 60 to 48, which reflects the reduction of 130 staff posts due to efficiency savings in recent years.

The priorities for the Council are clear and reflect the needs of the district.

TDC’s community leadership role is widely recognised and respected. Key partners such as the leaders at Essex County Council (ECC), the Police, Fire and Crime Commissioner (PFCC) and the local Member of Parliament for Clacton all praised the Council’s leadership role in the community and beyond. It is very clear that the council is using its community leadership approach to tackle some of its key issues such as education, skills, public health and community safety with its partners.

Despite the challenges faced by the district the Council is ambitious and has a record of delivering significant projects. These have often been delivered in partnership and the Council has been very successful in leveraging significant funds from partners. The £36m coastal sea defence scheme is just one example – where with an initial £3m investment from TDC, it persuaded partners to invest a further £33m. The scheme has

protected 3000 homes from the sea, regenerated the beaches along the coast from Clacton to Holland on Sea and led to significant private investment along the seafront.

TDC's finances are robust. It has already made £13m of savings in recent years without any significant loss of services. It has adequate reserves, and its council tax is low. TDC has a future savings plan that aims to deliver £300k savings each year over the next ten years."

What this report makes extremely clear is that Tendring is a council that is working hard and delivering well for its residents. It is extremely gratifying to hear that from an independent third party and I want to say thank you and pay tribute to all our hard-working officers and staff at every level who are contributing to that success. And also to all members of this authority who have played their part to make this a better council.

However, in the face of such positivity we should not forget that Tendring still has severe challenges and areas of significant deprivation.

The Public Health England Tendring profile 2017 highlights a number of challenges with all areas of the Index of Multiple Deprivation significantly worse than the England average, including life expectancy, disease and poor health, adult and children's health and community safety. Only three out of the 30 factors remain better than the England average, this includes childhood obesity and incidents of tuberculosis.

The Health and Wellbeing report for Essex 2016 identified for Tendring high prevalence of children in low income families, excess weight in children, number of NEETs, safeguarding needs and hip fractures in the over 65s.

We continue to tackle these issues. At Council in January I set out the Cabinet priorities for the coming year and we are reviewing the working of our Overview and Scrutiny Committees to allow them to focus on more in-depth pieces of work.

The Peer Review Team made the following recommendations:-

- *Improve how we tell the story of what we are achieving;*
- *Devise an approach to programme management and project delivery;*
- *Bring the four strands of transformation – customers, property, digital and people – together;*
- *Review how we deal with underspends, savings and financial risk and look at the phasing of our capital programme;*
- *Add housing as a strand to our community leadership focus alongside education, health and community safety;*
- *Be confident in our plans for Jaywick.*

These are sound recommendations and I am confident that they will strengthen and enhance our approach.

Traditionally the State of Tendring speech can be quite a lengthy affair but tonight I am sure everyone will be delighted that I am not going to say any more. I am confident that when you read the full report you will see that it needs no more from me. The report speaks for itself and I look forward to working with officers, Cabinet colleagues, and Members generally to implement the recommendations and to take this Council forward into a positive and exciting future."

Members expressed their appreciation of Councillor Stock's speech with a round of applause.

Councillor I J Henderson addressed the Council during the debate on the Leader's Statement.

10. PETITIONS TO COUNCIL

There were none on this occasion.

11. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.1

Subject to the required notice being given, members of the public could ask questions of the Leader of the Council, Portfolio Holders or Chairmen of Committees.

The following questions had been received, on notice, from members of the public:

Question One

From Mary Nolan of Stones Green to Councillor Stock OBE, Leader of the Council:

"I am a retired pensioner and I live on the Stones Green 'red route' of the proposed Tendring Motor Rally. It is not clear that the MSA insurance policy sent to me for perusal covers damage to me or my property, as promised by the event organisers. It would appear to be a standard business insurance for professional indemnity against their negligence, not for speeding competition driver error. In fact, the drivers are required by organiser to sign disclaimers for any accident or damage and they have no requirement at all to be insured on the competition routes where they will be speeding. This, despite European directive that the 'VNUK' law should be applied and that they should now in fact have cover for all circumstances. Claiming from the MSA in the event of a competitor accident does not therefore appear to be possible when the drivers are all but uninsurable when speeding along the red routes.

Given that the Council has a duty of care to its residents, how does the Council plan to protect property from damage and from future substantially increased insurance premiums for the significantly higher risk of living on a racing track, other than to ensure that the event does not go ahead?"

Question Two

From Caroline Lindsay of Little Oakley to Councillor Stock OBE, Leader of the Council:

"I strongly believe that there is a very grave national security concern surrounding the staging of the Tendring rally event on the 22nd April or similar events that follow in the future. Neither the drivers nor the marshals are required to be criminal or mental health checked and anyone can enrol as a marshal with an hour's online training and no formal identification. The policing will largely be taken on by these lay people. A car could easily be maliciously driven at high speed into the crowds by an aberrant driver on the day.

Given that the Council has a duty of care to its residents, how does the Council plan to fully protect them from malicious attack other than to ensure that the event does not go ahead?"

Question Three

From Neil O'Hare of Little Oakley to Councillor Stock OBE, Leader of the Council:

"I am concerned about the safety controls for this event in relation to the marshalling of the event. I presume there is a Risk Assessment that the organisers have provided for the rally, in order for this to be "Suitable and Sufficient" the Risk Assessment would, I expect, include the minimum number of marshals required to safely police the event, their locations, duties and level of qualification required. As the event is stretched over a considerable portion of the day it would seem reasonable that there would be sufficient additional marshals to relieve people who have been at their posts for long periods or who need to step away for other reasons. My concern is that I have seen comments in the public press reported as being made by the organisers stating that "between 500 and 1000" marshals (presumably suitably trained and registered as appropriate) would be available.

This is obviously a wide range and gives no indication of what the absolute safe minimum of marshals is. Presumably the Risk Assessment is explicit about this.

In relation to these concerns, my question is as follows:

Has TDC had access to the Risk Assessment and has this been examined by a suitable person who is qualified to comment as to its suitability and sufficiency? Does the Risk Assessment include a minimum number of marshals required to safely run the event and what would happen if the level of marshals available fell below the minimum level before or during the event?"

Councillor Stock replied collectively to all three questions as follows:

"It is important to make clear from the outset that the car rally is not a Tendring District Council event; we didn't propose the idea, we have not organised it and we are not running it.

The Council has a role as part of the Safety Advisory Group and to provide advice to the event organisers in connection with public events given our record of successfully running the Clacton Air Show, International Cycling competitions, beach activities and other similar large gatherings.

The Safety Advisory Group is a multi-agency group which is formed to provide advice to organisers of significant events, this is any event where it is likely that more than 499 people may be involved, and to advise them where any formal permission may be required.

Depending on the event, different organisations may have a more prominent role in providing advice and a different service may chair the group. The Safety Advisory Group will almost always have significant input from all blue light services which will provide advice in respect of areas as diverse as minor first aid provision to counter terrorism measures.

The Safety Advisory Group has no power to prevent an event taking place but clearly any organiser which does not heed the advice of the Safety Advisory Group would be in some difficulty if there was a problem with the event

The Safety Advisory Group requests the event organiser to submit an event management plan ahead of the event which shows that the event organiser is cognisant of Health & Safety, security, health, food hygiene, safeguarding, counter terrorism risks etc. and is putting in place mitigating measures – the Safety Advisory Group can provide advice to the organiser in respect of risks if this is required.

I understand that the event organisers have attended several Safety Advisory Group meetings and as far as can be determined is meeting all requirements being requested by the Blue Light services.

Therefore, I can reassure you that suitably qualified agencies have provided advice to the event organisers in respect of their risk assessments and operational plans.

As I am sure that you will appreciate much of the information in respect of the operation and organisation of the event is not available to the public for fairly obvious reasons.

The Motor Sport Association is the governing body for four-wheel motorsport in this country and is responsible for authorising and administering motorsport across the UK.

The Motor Sport Association arranges third party liability insurance cover for all events, cover being up to £65 million per claim.

The Highways authority and the event organisers will survey, record and photograph all assets along the route to ensure that no asset is left in a worst condition after the event than it was before the event – any damage will be the responsibility of the event organisers to make good.

This is the first event of its kind to be held on public roads in England and we are advised that such is the interest amongst motor sport enthusiasts that the organisers have been able to restrict entries to only those who have obtained the highest level of motor sport license. As such I think that it would be reasonable to assume that they are going to be well-qualified and highly-skilled drivers.

We understand that no permission has been granted by the Motor Sport Association for any further such events this year and that the Motor Sport Association will review the Tendring event prior to granting permission for any future such events so the chances of anyone living on a race track is highly improbable.

I can equally reassure you that as with any event which takes place within Tendring we will be reviewing this event in detail but, as I am sure that you may be aware, many events take place, organised by a range of organisations across Tendring, some of which do not have our support, nor the support of other agencies but there is little that can practically be done to prevent them taking place.

I am also advised by the Cabinet member for Highways at Essex County Council, that the road closures for the Motor Rally event have been granted and all the relevant information regarding these is publicly available on the website www.roadworks.org. I understand that while there is no legislative requirement to consult or advertise the

closures, a consultation with all residents and Parish Councils has been undertaken by Chelmsford Motor Club, however, there is no planning permission required or any event licensing required to hold an event of this nature.

I am assured that the correct legal procedure and requirements have been followed by all parties involved to enable this event to safely take place.

A resident's handbook will be published and delivered to all residents living on the route or close by giving detailed information about the event and instructions on how to arrange access to properties as well as other useful information.

I do recognise and accept that motor sport is not to everyone's taste and that roads being closed can be annoying and disruptive, but I also recognise that this is a district where tourism is a vital part of our economy and where we struggle to attract traditional businesses due to our rural and coastal geography. So, I will continue to support and encourage events that offer the opportunity to put Tendring on the map, to show that we are innovative, creative and open for business, and above all which can contribute to our local economy and ultimately help to create much-needed jobs and employment and I would urge all residents to do the same."

12. MOTIONS TO COUNCIL - STAGING ROAD MOTOR RALLY AND RACING EVENTS IN TOWNS AND VILLAGES IN THE DISTRICT OF TENDRING

Councillor White had earlier in the meeting declared a personal non-pecuniary interest in this item insofar as the Rotary Club of Clacton-on-Sea (of which he was a member) had been asked by the Chelmsford Motor Club who were the organisers of the proposed motor rally event in the District to run the car park at West Road, Clacton-on-Sea for the weekend of April 21st and 22nd 2018.

During the consideration of this item Councillor Porter declared an interest in this item insofar as he was also a member of the Chelmsford Motor Club who were the organisers of the proposed motor rally event in the District.

Council had before it the following motion, notice of which had been given, pursuant to Council Procedure Rule 12, by Councillor Bush:-

"Motor rally sports events are recognised as perilous activities which continue to claim lives of both experienced and accomplished drivers and spectators, even with stringent safety and security measures in place. This is clearly evidenced with fatalities in UK organised events as recent as December 2017, the motor sports association (MSA) quoted "this is a stark reminder of the inherent danger in the sport we love".

This Council demonstrates intolerance for speeding and advocates considerate safe driving in our towns and villages. To support staged road motor rally and unregulated high speed racing events in the Tendring District would conflict with the overarching ethos of this Council and expose the Tendring residents and spectators to unprecedented risks.

Many of the rural roads within the District are renowned accident blackspots experiencing far too many fatalities and serious collisions, these events could create a legacy of carnage in their wake and the probability of encouraging future adrenaline fuelled aspiring racers to test their racing skills with potential fatal consequences.

*This motion to Council requests that the Leader of the Council informs as soon possible the respective motor racing associations and governing bodies and organisers and Essex County Council Highways Authority, that Tendring District Council **DOES NOT** support or endorse staged motor rally events on the roads throughout the Tendring District.”*

Councillor Bush formally moved the motion and Councillor Bucke formally seconded the motion.

The Chairman informed Council that, pursuant to Council Procedure Rule 12.4, he would allow the motion to be dealt with at this meeting.

Councillor Bush then explained his motion.

Councillors Bucke, Griffiths, Calver, Davis, Stock, G V Guglielmi and Platt each addressed the Council on Councillor Bush’s motion.

Councillor Bucke asked that, in accordance with the provisions of Council Procedure Rule 19.4, a record of the vote on Councillor Bush’s motion be taken.

Accordingly, the result of that vote was as follows:

<u>Councillors For</u>	<u>Councillors Against</u>	<u>Councillors Abstaining</u>	<u>Councillors Present</u>	<u>Not</u>
Bennison	Amos	Alexander	Callender	
Broderick	Baker	Bray	Cossens	
J A Brown	B E Brown	Chapman	Gray	
Bucke	M Brown	Chittock	Miles	
Bush	Cawthron	Ferguson	Watling	
Calver	Coley	Griffiths		
Davis	Everett	Heaney		
Fowler	Fairley	Porter		
I J Henderson	G V Guglielmi	White		
J Henderson	V E Guglielmi			
King	Hones			
Newton	P B Honeywood			
Scott	S A Honeywood			
Stephenson	Khan			
Whitmore	Land			
Winfield	Massey			
	McWilliams			
	Nicholls			
	Pemberton			
	Platt			
	Poonian			
	Raby			
	M J Skeels			
	M J D Skeels			
	Steady			
	Stock			
	Talbot			

Turner
Watson
Yallop

Councillor Bush's motion was thereupon declared **LOST**.

13. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 11.2

Subject to the required notice being given, Members of the Council could ask questions of the Chairman of the Council, the Leader of the Council, Portfolio Holders or Chairmen of Committees or Sub-Committees.

Four questions had been submitted as set out below:

Question One

From Councillor Everett to Councillor McWilliams, Portfolio Holder for Health and Education:

"Is the Portfolio Holder aware that in the past month two ambulance technicians one located at Harwich one located in Weeley have died whilst in service. A local ambulance technician - associate practitioner Ian Carter is currently gauging support for a 999 memorial garden for Essex to remember all police fire and ambulance personnel that die in service. Currently Essex does not have such a memorial garden for 999 personnel although other counties do.

Does the Portfolio Holder think that this Council could support such a scheme?"

Councillor McWilliams replied as follows:

"Thank you Chairman and I would like to thank Councillor Everett for his question. I confirm that I am aware of these tragic deaths and I can see no reason why the Council would not want to support such a memorial garden. As Councillor Everett will know we do already have memorial gardens along the seafront in Clacton. One for Servicemen which has effectively been doubled in size in recent years to include smaller Service based memorials, what we call the 'Sunken Rose Garden'. There is slightly further along near the Hospital another garden with a memorial to PC Dibell who was shot and killed a few years ago. So the answer is Yes."

Question Two

From Councillor Fowler to Councillor Stock OBE, Leader of the Council:

"The Leader of the Council will be aware of the dreadful state of the road surface of the A120 between Harwich and Horsley Cross and the lobbying carried out by Harwich Town Council to end the delays in its resurfacing.

Will he please agree to write to Highways England on behalf of Tendring District Council in order to place TDC's voice alongside that of Harwich Town Council in seeking immediate action?"

Councillor Stock replied as follows:

“Chairman I would like to thank Councillor Fowler for her question.

The situation has changed a great deal since her question was received by the Council, of which I received notification on 14th March.

I wrote immediately to the minister of state for Highways and copied the letter to our member of Parliament, Bernard Jenkin.

Bernard’s reply is dated the very next day and he pledged to support me and to push the matter in Westminster.

On Friday, Bernard had a briefing on the condition of the road from Highways England. He met on the A120 with the Highways Agency Regional Director - Eastern Region, Martin Fellows. They drove the road together and discussed exactly what is happening to this stretch of road, particularly to the Wix by-pass section.

This issue has been raising concerns from many quarters, including Harwich Town Council, for too long. Mr Fellows was also due to meet representatives of Harwich Town Council and I am grateful to them for also taking an interest in this issue.

Bernard further wrote to me on this issue just yesterday and phoned me to discuss the issue as he had just left a meeting at 4.30pm yesterday with the Roads Minister, Jesse Norman MP, and the CEO of Highways England, Jim O’Sullivan. They have confirmed the following -

There was always going to be a programme of repair of potholes and cracks as the Winter season ends, but they are now planning an £800k, two-year programme of repairs, in order to sustain the safe operation of the road. Their aim was to start this very week, and after the Easter weekend, with three crews and a significant number of shifts, which I hope road users will have seen working already. This will involve ‘cold fill’ of potholes, which addresses the safety risk of potholes and ‘spalling’ (which is the breaking away of small sections), and patching of sections up to 5m in length, with new top dressing. However, this will not address the underlying deterioration of this section of the A120, which has been occurring over a long period of time.

They also confirmed that Highways England are contemplating a much more comprehensive programme of works, as a priority. This road is some 50 years old, and some stretches were apparently built to long-term test different construction materials and techniques. Much of this section of the A120 is laid on concrete slabs, which are simply reaching the end of their life. The substructure is failing. Some of them have moved, the joints between the slabs are more and more evident, particularly down the middle of the carriageway, and some gullies are collapsing. This work is regarded as imperative and will need to be addressed in the next forward programme as part of RIS2 (Road Investment Strategy 2) which means the work will be done in the period 2020-25.

This project will cost many £10s of millions, if not more than that. However, it is an opportunity to develop a proper A120 development strategy, which is integrated with the plans for economic development along the A120 corridor. This will involve a full traffic study, to establish future traffic growth, and to ensure the new road is of sufficient capacity. If we want to consider an entirely different line of route, or dualling in the

longer term, now is the time to develop these proposals. It will also need to address whether plans for the Bathside Bay container terminal is likely to proceed or not, and what contribution that might lead to, if any.

In conclusion Chairman, work is underway to address the concerns raised by Councillor Fowler. I am grateful to her for her question; it was a positive and constructive question addressing an issue that was affecting not just ordinary road-users but also the long-term economic prosperity of the whole area.”

Councillor Fowler then responded to Councillor Stock’s reply with a supplementary question:

“Thank you Councillor Stock for your reply. I am aware that the work on that road has been long overdue and I think most people who travel along that road are aware of that and even just recently when I wasn’t able to drive and I was a passenger in a car I had no idea just how bad some of those potholes are. In fact they are not potholes they are more like craters. A pothole is a hole. These are not holes. Of course, part of the road is also sinking now and that road doesn’t just need repairing it needs the whole thing completely redoing as it is at least 50 years old.

So I would ask if you would support the call for extra funding from the Government for Highways England to completely rebuild the road not just for everyday users for people who travel back and forth to Harwich but also for visitors who come to the area many of whom come from outside the UK? What must they think when they go around the Horsley Cross roundabout and onto the stretch down to the Ramsey roundabout which has recently been described by a paramedic as a ‘farm track’. Thank you.”

Councillor Stock responded to Councillor Fowler’s supplementary question as follows:

“I think Councillor Fowler is being rude about farm tracks! I’ve been down farm tracks that are in better condition than the A120 which is an appalling state of affairs. Yes is the key answer to the fundamental question that she put there. I absolutely support more Government funding and investment and it was in the body of the text of my answer that that should be happening. The A120, let us be very clear, all the way from Hare Green to Harwich is not fit for purpose. It needs to be dualled all the way for Harwich to be put back on the map and for Harwich to effectively be pulled closer to London and the economic heart of the country. Harwich was once a great and successful port and it is now struggling a bit. It still does very well I think but it could do an awful lot better but that road lets it down massively and it is simply not acceptable.

I absolutely support the new road. I don’t support anything that slows the traffic down going to and from Harwich. I don’t support the new roundabout being built at Hare Green for that very reason that it slows down all the traffic by a few minutes and there are better ways of solving the safety issues there. So yes it is important that everyone comes together on this. I think that it was a very good question that you put Councillor Fowler and as soon as it came to me I thought yes! I have had so many complaints and I am sick of seeing Councillor Henderson’s face in the local papers complaining about it though he has every right to do so and I don’t mean that disrespectfully. Quite the opposite in fact. I am sick of hearing about how bad the A120 is and how it needs to be done.

Hopefully short-term improvements are being carried out with long-term improvements in the pipeline. Unfortunately highways improvements in this country seem to take far, far too long. It seems to be a generation before anything gets done. The A120 from Braintree to the A12 is supposed to be in the pipeline to be done but will we, everyone in this Chamber tonight, still be driving when that road is done. To give you an example of how long it takes, the A120 from Stansted to Braintree was upgraded about ten years ago but I was at school in Great Dunmow when that was announced as a project and I remember looking at the paper and looking at the map and trying to work out what route my school bus was going to take. Well sadly I was in my forties when that road actually got opened! That's how long these things take in this country and it's really not acceptable. We need to get the bulldozers out and a new road in as soon rather than later and I fully support it."

Question Three

From Councillor I J Henderson to Councillor Stock OBE, Leader of the Council:

"Will the Leader of the Council consider commissioning an impact study into the possible effect Brexit may have on the residents and businesses living and trading within the District of Tendring?"

Councillor Stock replied as follows:

"The Brexit referendum result was clear and decisive and puts the question of this country's membership of the EU beyond question. No election in this country has ever seen so many people vote the same way.

We are leaving.

As Leader of this Council let me say that I am extremely positive and optimistic for our post-brexit future and I think it is very important that everybody, whether or not they wanted us to be leaving, accepts that it is happening and tries to make it a success.

There will undoubtedly be a range of issues arising from Brexit which will impact on both Tendring as a District, neighbouring authorities and the operations of the Council.

The precise details and terms of our exit are still being negotiated and discussed and on what terms and even precisely when we leave are not known at this time.

At this stage it would be premature to undertake an impact study as the full details of Brexit are not yet known. I will be asking Officers to start preparing a briefing note on Brexit for Members when we have more detail and the impacts can be properly assessed."

Councillor Henderson then responded to Councillor Stock's reply with a supplementary question:

"In answer to that I would have thought that, like many other local councils, authorities and organisations, we would be doing these impact studies to be able to assist all sorts of business in the Tendring District even if we only survey them and ask them what their concerns are and we can look at those concerns and try and deal with them. As you said the decision has been made and we can't ignore it but what we can do is do our

best to work with those businesses to make sure the impact is as 'soft' as possible on them. I just wonder if he has had any discussions with Harwich Port, as obviously ports around the country are very concerned about leaving the Customs Union and the effects that will have on goods being held up in ports up and down the country because of being stopped at borders?"

Councillor Stock responded to Councillor Henderson's supplementary question as follows:

"I am looking to set up a meeting with the Port of Harwich very soon actually and you are right to raise this as an issue as we don't know what the impact is going to be. We don't know how Brexit is going to pan out. It could be that a bad thing turns out to be a good thing. For example, because of the customs restrictions we could end up having a big industry in this District around Harwich of Customs Officers needing to be employed as they check stuff coming into the country and it may be annoying to importers and exporters and it may be expensive for businesses but it could be a little boost.

There are also curious positives that people are talking about. For example, if the City of London ends up getting shifted to Paris or Frankfurt or wherever as other European countries try to steal that from us those entrepreneurial types who work in the City of London, most of whom live in Essex because the railway line that runs into the heart of the City of London and terminates at Liverpool Street Station is, of course, our railway line, those bankers may end up retiring back to their communities and setting up businesses and being creative and innovative and making money within Tendring or within Essex so it could be a bizarre, perverse twist. Something bad could turn out to be something good.

I am completely supportive of what he is saying, We need to keep our eye on what is happening, our finger on the pulse and keep talking to businesses. I am actually getting some positive vibes from businesses within the small manufacturing sector who say that they are experiencing upturns in trade where their customers are looking to shorten the supply line and withdraw from having items manufactured in Europe and getting it made more locally. So there are positives, there are risks and there are challenges. Some businesses will undoubtedly suffer as a result of Brexit but I think an awful lot more will do well. I actually am very positive and optimistic about it. I think that it is going to be great for this country and I look forward to it happening."

Question Four

From Councillor J Henderson to Councillor Skeels Snr, Portfolio Holder for Leisure and Tourism:

"Will the Portfolio Holder for Leisure confirm when the closed off lane at Dovercourt Swimming pool will be reopened for the public to use on a permanent basis?"

Councillor Skeels replied as follows:

"Thank you Councillor Henderson for your question. Following some recent staff training and wanting to look at ways of following best practice guidelines, leisure staff undertook a visibility zone check utilising the most up-to-date guidelines. Whilst not being a major issue light reflection on the side nearest the windows could, under some circumstances,

reduce the lifeguard's ability to monitor below the waterline as effectively as we would like. And so the decision was taken to remove that lane during the quieter periods to reduce the risk and give the lifeguard a smaller area to scan. During the busy period two lifeguards are on duty and so their scan area can be adjusted so that light refraction does not become an issue. Whilst this is a 'belt and braces' approach I hope that you would agree with me that public safety must be upper most in operational management considerations. The very low usage of the pool during the quieter sessions does not justify two lifeguards being on duty. There can on occasions be more lifeguards than users of the pool.

As mentioned at a recent Cabinet meeting the closure of one lane during the quieter periods is a temporary approach whilst we are in the process of looking at underwater technology to possibly use a blended lifeguarding approach. A meeting was due to take place a couple of weeks ago to consider the practical, technical and financial implications of installing this underwater technology but due to the adverse weather conditions at the time the meeting had to be cancelled though it is now in the process of being re-arranged. If we are able to use this new technology we will look to open up the pool more fully again during the quitter sessions and have one lifeguard on duty and a monitor showing the whole pool below the surface. Alternatively we may look at restructuring the sessions to ensure that we remain confident that we are meeting all the appropriate guidelines."

Councillor Henderson then responded to Councillor Skeels' reply with a supplementary question:

"Thank you for your answer. Are you able to confirm if Clacton and Walton Swimming Pools have also suffered with the same cuts?"

Councillor Skeels responded to Councillor Henderson's supplementary question as follows:

"I am not aware of any cuts. I do not think anything has been cut."

14. REPORT OF THE LEADER OF THE COUNCIL - URGENT CABINET OR PORTFOLIO HOLDER DECISIONS

There was no such report on this occasion.

15. MINUTES OF COMMITTEES

It was **RESOLVED** that the minutes of the following Committees, as circulated, be received and noted:

- (a) Community Leadership and Partnerships of Monday 8 January 2018;
- (b) Service Development and Delivery of Monday 15 January 2018;
- (c) Standards of Monday 22 January 2018;
- (d) Audit of Thursday 25 January 2018;
- (e) Corporate Management of Monday 29 January 2018;

-
- (f) Community Leadership and Partnerships of Monday 19 February 2018;
 - (g) Council Tax of Wednesday 21 February 2018;
 - (h) Corporate Management of Monday 26 February 2018; and
 - (i) Corporate Management Committee of Monday 12 March 2018.

It was then moved by Councillor Heaney and **RESOLVED** that the recommendation to Council, as contained in Minute 20 of the Standards Committee Minutes of 22 January 2018, be approved.

16. MOTION TO COUNCIL - "PREDATORY PARKING COMPANIES"

Council had before it the following motion, notice of which had been given, pursuant to Council Procedure Rule 12, by Councillor Everett:-

"This Council wishes to put on record its disquiet at the actions of predatory parking companies in the Tendring District and organisations that are no more than apologists for them.

This Council instructs officers to:

- 1. Protest formally to the British Parking Association (BPA) about its wholly inadequate response to complaints made by this Council, and by an elected member, regarding the actions of Smart Parking and Debt Recovery Plus relating to the Ravensdale Car Park in Great Clacton.*
- 2. Resign from the British Parking Association by not renewing our membership for 2018.*
- 3. Investigate the possibility of withdrawing from the Safer Parking Scheme operated by the BPA.*
- 4. Champion the concept of Local Authorities licensing private parking companies and their activities – or at least the establishment of a single, genuinely independent regulator for the private parking sector that has no connection, financial or otherwise, with the wider parking industry – as part of the suite of regulatory measures proposed as part of a Private Members' Bill currently progressing through Parliament.*
- 5. Research other councils in Essex and beyond, experiences over predatory parking companies activity in their locales and create a database of these experiences to help inform the committee stages of the Parking (Code of Practice) Bill currently progressing through Parliament."*

Councillor Everett formally moved the motion and Councillor Bray formally seconded the motion.

The Chairman informed Council that, pursuant to Council Procedure Rule 12.4, he would allow the motion to be dealt with at this meeting.

Councillor Everett then explained his motion.

Councillors Nicholls, Amos, Pemberton, G V Guglielmi and Stephenson each addressed the Council on Councillor Everett's motion.

Councillor Everett's motion, on being put to the vote, was declared **CARRIED**.

17. MOTION TO COUNCIL - "HIGHWAYS REPAIRS ARRANGEMENTS"

Councillors I J Henderson, Honeywood, G V Guglielmi and Platt had all earlier declared an interest in this item insofar as they were also Members of Essex County Council who were the highways authority.

Council had before it the following motion, notice of which had been given, pursuant to Council Procedure Rule 12, by Councillor Pemberton:-

"This Council requests that Essex County Council considers extending the arrangements currently in place with the Highways Rangers to cover minor highways repairs such as smaller pot holes, broken slabs/kerbs, cleaning out roadside drainage channels and removal/repairs to barriers and signage, to enable a quicker response to local issues. Such decisions should be made at district council level rather than the Local Highways Panel, which at present is only an advisory board for the County Council Portfolio Holder.

We could have our own committee to oversee the work."

Councillor Pemberton formally moved the motion and Councillor Porter formally seconded the motion.

The Chairman informed Council that, pursuant to Council Procedure Rule 12.4, he would allow the motion to be dealt with at this meeting.

Councillor Pemberton then explained his motion.

Councillor Stock then moved and Councillor G V Guglielmi seconded that Councillor Pemberton's motion be amended to read as follows:-

"This Council requests that the Leader of the Council continues his discussions with Essex County Council with a view to extending the arrangements currently in place with the Highways Rangers to cover minor highways repairs such as smaller pot holes, broken slabs/kerbs, cleaning out roadside drainage channels and removal/repairs to barriers and signage, to enable a quicker response to local issues. Such decisions should be made at district council level rather than the Local Highways Panel, which at present is only an advisory board for the County Council Portfolio Holder, whilst ensuring that any powers devolved come with full funding."

Councillor Pemberton indicated that he was content to alter his motion to incorporate Councillor Stock's amendment. Consent to that alteration was duly given in accordance with Council Procedure Rule 16.6.

Councillor Stock then moved and Councillor G V Guglielmi seconded that Councillor Pemberton's motion be further amended to read as follows:-

"This Council requests that the Leader of the Council continues his discussions with Essex County Council with a view to devolving highways powers to Tendring District Council whilst ensuring that any powers devolved come with full funding."

Councillors I J Henderson, Stephenson, Bray, Calver and Broderick each addressed the Council on this item.

Councillor Stock's amendment, on being put to the vote, was declared **CARRIED**.

On being put to the vote as the substantive motion the motion was declared **CARRIED**.

18. MOTION TO COUNCIL - "MEMBERS' ATTENDANCE AT MEETINGS"

Council had before it the following motion, notice of which had been given, pursuant to Council Procedure Rule 12, by Councillor Calver:-

"That Council resolves that –

Article 2 of the Council's Constitution, 'Members of the Council', be amended to include as an additional paragraph –

"2.06 Attendance

It is a requirement that a Member does not exceed 6 months without attending a meeting of the Council or attending a meeting of a committee or sub-committee of the council either as an appointed member of a committee/sub-committee or as a substitute member of a committee/sub-committee."

Councillor Calver formally moved the motion and Councillor I J Henderson formally seconded the motion.

The Chairman informed Council that, pursuant to Council Procedure Rule 12.4, he would allow the motion to be dealt with at this meeting.

Councillor Calver then explained his motion.

Councillor Stock then moved and Councillor G V Guglielmi seconded that Councillor Pemberton's motion be amended to read as follows:-

"That Council resolves that –

Article 2 of the Council's Constitution, 'Members of the Council', be amended to include as an additional paragraph –

"2.06 Attendance

It is a requirement that if a Member exceeds four months without attending a meeting of the Council or attending a meeting of a committee or sub-committee of the council either as an appointed member of a committee/sub-committee or as a substitute member of a committee/sub-committee that shall be reported to the next Council meeting."

Councillor Calver indicated that he was content to alter his motion to incorporate Councillor Stock's amendment. Consent to that alteration was duly given in accordance with Council Procedure Rule 16.6.

Councillors Everett, Talbot, Porter, Bray, Stock, Bucke, I J Henderson, Stephenson and Davis each addressed the Council on this item.

Councillor Calver's motion, on being put to the vote, was declared **CARRIED**.

19. RECOMMENDATIONS FROM THE CABINET - ANNUAL TREASURY STRATEGY 2018/2019 (INCLUDING PRUDENTIAL AND TREASURY INDICATORS)

The Council had before it the recommendations submitted to it by the Cabinet in respect of the proposed approval of the Annual Treasury Strategy for 2018/2019 [Minute 151 of the Cabinet meeting held on 16 February 2018 referred].

It was moved by Councillor G V Guglielmi and **RESOLVED** that the Annual Treasury Strategy for 2018/2019 (including Prudential and Treasury Indicators), be approved and implemented.

20. REPORTS SUBMITTED TO THE COUNCIL BY AN OVERVIEW AND SCRUTINY COMMITTEE

There were none on this occasion.

21. REPORT OF THE HEAD OF GOVERNANCE AND LEGAL SERVICES - A.1 - COMMITTEE STRUCTURE REVIEW

Council recalled that, at its meeting held on 23 January 2018 (Minute 116 referred), it had considered a report of the Head of Governance and Legal Services which had provided the recommendations made by the Electoral Review Working Group and it had been agreed -

"That, with effect from the Annual Meeting of the Council on 24 April 2018, -

(a) the proposed terms of reference for the two new overview and scrutiny committees, as set out in the Appendix to item A.6 of the Report of the Head of Governance and Legal Services, be approved; and

(b) the other recommendations made by the Electoral Review Working Group, as detailed in the Executive Summary of the report referred to above, be adopted."

It was reported that members of the Electoral Review Working Group had attended a meeting held on 6 March 2018 when they had conducted a "tidying up" exercise of the remaining issues with a view to finalising their review of the Council's committee structure.

The key issues considered at that meeting had been:-

1. Names of Committees/Sub-Committees (other than the already agreed names for the two new O & S Committees);

2. The size of membership for Committees/Sub-Committee in 2018/19 (other than the new Resources and Services O & S Committee);
3. The Terms of Reference for the existing Human Resources Committee and the Council Tax Committee to be combined without any changes for the proposed Human Resources & Council Tax Committee;
4. The Terms of Reference for the other non-O & S Committees;
5. The proposed reduction in the number of Premises/Personal Licences Sub-Committees from three to one;
6. The proposal that the membership of the P/P Licences Sub-Committee will be chosen on a rota basis for each meeting from the trained membership of the Licensing and Registration Committee;
7. Noting the proposed meeting dates of the new overview and scrutiny committees;
8. A half-year review of the new Committee Structure to be undertaken and reported in accordance with the Constitution to Full Council; and
9. A review of the Overview and Scrutiny Procedure Rules to ensure consistency.

The outcomes of the Working Group's deliberations were contained within item A.1 of the Report of the Head of Governance and Legal Services.

Council was informed that, upon completion of the business set out in the report, the Electoral Review Working Group would focus solely on the outcome of the ongoing Community Governance Reviews.

Members were made aware that the proposed half-year review of the committee structure and associated constitutional matters would be undertaken by the Finance and Corporate Resources Portfolio Holder's Constitution Review Working Party.

Having considered the Working Group's recommendations, it was moved by Councillor P B Honeywood, seconded by Councillor G V Guglielmi and:

RESOLVED that -

(a) with effect from the Annual Meeting of the Council on 24 April 2018:-

- (1) the names of the non-overview and scrutiny committees and sub-committees in the new committee structure be as follows:-

Audit Committee
Human Resources and Council Tax Committee
Licensing and Registration Committee
Local Plan Committee
Planning Committee
Standards Committee
Miscellaneous Licensing Sub-Committee
Premises/Personal Licences Sub-Committee
Town and Parish Councils Standards Sub-Committee; and

- (2) the size of membership of committees and sub-committees in the new committee structure be confirmed as follows:

Audit Committee (7 Members)

Human Resources and Council Tax Committee (11 Members)
Licensing and Registration Committee (11 Members)
Local Plan Committee (15 Members)
Planning Committee (11 Members)
Standards Committee (7 Members)
Miscellaneous Licensing Sub-Committee (8 Members)
Premises/Personal Licences Sub-Committee (3 Members)
Town and Parish Councils Standards Sub-Committee (3 TDC Members + 3 Parish Members); and

- (3) the terms of reference of the non-overview and scrutiny committees and sub-committees in the new committee structure remain as they are at present with the exception of the new Human Resources and Council Tax Committee whose proposed terms of reference will be formed by the combination, with no changes made, of the terms of reference for the existing Human Resources Committee and the Council Tax Committee; and
- (4) the number of Premises/Personal Licences Sub-Committees be reduced to from three to one and that its membership be chosen on a rota basis for each meeting from the trained membership of the Licensing and Registration Committee; and
- (5) the Overview and Scrutiny Procedure Rules be amended to reflect:
 - (i) the number of committees;
 - (ii) the number of ordinary meetings to be scheduled annually for each committee;
 - (iii) the general role and principles of the overview and scrutiny functions; and
 - (iv) clearer reference to Task and Finish Review Groups.

That the proposed amendments be as shown in Appendix A to item A.1 of the Report of the Head of Governance and Legal Services.

- (b) a review of the new committee structure and associated constitutional matters be undertaken after its first six months of operation (i.e. in November 2018) and that its outcome be reported in accordance with the Constitution to Full Council at its meeting due to be held on 22 January 2019. Such review will include considering, and making recommendations on, the size of the membership of Committees/Sub-Committees post the May 2019 District Elections when the number of Councillors on Tendring District Council will be reduced from 60 to 48.
- (c) the Centre for Public Scrutiny be invited to give their input on the operation of the new committee structure.
- (d) the potential cross-membership of the Planning Committee and the Local Plan Committee and the potential for daytime meetings of the Planning Committee be included as part of the half-year review.
- (e) issues around the training of Members and their rights to sit on certain Committees e.g. Audit, Licensing & Registration, Planning and Standards be also included as part of the half-year review.

22. URGENT MATTERS FOR DEBATE

There were none on this occasion.

23. EXCLUSION OF PRESS AND PUBLIC

It was moved by Councillor Stock, seconded by Councillor G V Guglielmi and:

RESOLVED that under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Item 25 on the grounds that it involves the likely disclosure of exempt information as defined in the relevant paragraph(s) of Part 1 of Schedule 12A, as amended, of the Act.

24. EXEMPT MINUTE OF THE MEETING OF THE AUDIT COMMITTEE HELD ON THURSDAY 25 JANUARY 2018

It was moved by Councillor Stock, seconded by Councillor G V Guglielmi and -

RESOLVED that the exempt minute of the meeting of the Audit Committee held on 25 January 2018, as circulated, be received and noted.

The Meeting was declared closed at 10.24 pm

Chairman

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ANNUAL MEETING OF THE TENDRING DISTRICT COUNCIL**HELD ON 24 APRIL 2018 AT 7.30 P.M.****IN THE PRINCES THEATRE, TOWN HALL, CLACTON-ON-SEA**

Present: Councillors Platt (Chairman), Yallop (Vice-Chairman), Alexander, Amos, Baker, Bennison, Bray, Broderick, B E Brown, J A Brown, M Brown, Bush, Callender, Cawthron, Chapman, Chittock, Coley, Cossens, Davis, Everett, Fairley, Ferguson (except items 1 – 3), Fowler, Gray, Griffiths, G V Guglielmi, V E Guglielmi, Heaney, I J Henderson, J Henderson, Hones, P B Honeywood, S A Honeywood, King, Land, McWilliams, Miles (except items 1 – 9 (part)), Newton, Nicholls, Pemberton, Poonian, Porter, Raby, Scott, M J Skeels, M J D Skeels, Steady, Stephenson, Talbot, Turner, Watson, White and Winfield

In Attendance: Chief Executive (Ian Davidson), Deputy Chief Executive (Martyn Knappett), Corporate Director (Planning and Regeneration)(Ewan Green), Head of Governance and Legal Services & Monitoring Officer (Lisa Hastings), Head of Leadership Support and Community (Karen Neath), Committee Services Manager & Deputy Monitoring Officer (Ian Ford) and Communications and Public Relations Manager (Will Lodge)

1. CHAIR

In accordance with the provisions of Section 3(2) of the Local Government Act 1972, the Chair was occupied by the retiring Chairman, Councillor Platt, until his successor became entitled to act as Chairman.

2. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Bucke, Calver, Khan, Massey, Stock OBE, Watling MP and Whitmore.

3. RETIRING CHAIRMAN'S ANNOUNCEMENTS

The Chairman reflected on his year in office and especially his visits to many charities and finding out about their work and the dedicated public service of their volunteers.

The Chairman thanked the following for all of their help and support –

- (i) the Vice-Chairman of the Council (Councillor Yallop) and her consort;
- (ii) his chaplain, The Reverend Crawford Logan;
- (iii) Members of the Council for their participation in the many civic events;
- (iv) Officers of the Council especially the Princes Theatre staff and the Members' Support team;
- (v) his wife and family; and
- (vi) those local businesses who had supported his charitable events.

Members showed their appreciation for the Chairman with a round of applause.

4. CHAIRMAN OF THE COUNCIL

It was moved by Councillor G V Guglielmi and seconded by Councillor P B Honeywood that Councillor Platt be elected Chairman of the Council.

It was then moved by Councillor I J Henderson and seconded by Councillor Stephenson that Councillor Yallop be elected Chairman of the Council.

The vote on the election of the Chairman of the Council resulted as follows:-

<u>Councillors Voting for Councillor Platt</u>	<u>Councillors Voting for Councillor Yallop</u>	<u>Councillors Abstaining</u>	<u>Councillors Absent</u>
Alexander	Bennison	Davis	Bucke
Amos	Broderick	Gray	Calver
Baker	J A Brown		Khan
Bray	Bush		Massey
B E Brown	Cawthron		Miles
M Brown	Chapman		Stock OBE
Callender	Fowler		Watling MP
Chittock	I J Henderson		Whitmore
Coley	J Henderson		
Cossens	Hones		
Everett	King		
Fairley	Newton		
Ferguson	Pemberton		
Griffiths	Porter		
G V Guglielmi	Scott		
V E Guglielmi	Steady		
Heaney	Stephenson		
P B Honeywood	Talbot		
S A Honeywood	White		
Land	Winfield		
McWilliams	Yallop		
Nicholls			
Platt			
Poonian			
Raby			
M J Skeels			
M J D Skeels			
Turner			
Watson			

RESOLVED that, pursuant to Section 3(1) of the Local Government Act 1972, Councillor Platt be elected Chairman of the Council for the 2018/2019 municipal year.

Members gave a round of applause to Councillor Platt on his election.

Councillor Platt thereupon made a Statutory Declaration of Acceptance of Office.

5. VICE-CHAIRMAN OF THE COUNCIL

It was moved by Councillor Talbot and seconded by Councillor Steady that Councillor Yallop be elected Vice-Chairman of the Council.

It was then moved by Councillor G V Guglielmi and seconded by Councillor P B Honeywood that Councillor Bray be elected Vice-Chairman of the Council.

Councillor Bray, after thanking Councillors Guglielmi and Honeywood for the honour of proposing him for the office of Vice-Chairman, declined to allow his nomination to go forward.

On being put to the vote it was -Page 28

RESOLVED that, pursuant to Section 5(1) of the Local Government Act 1972, Councillor Yallop be elected Vice-Chairman of the Council for the 2018/2019 municipal year.

Members gave a round of applause to Councillor Yallop on her election.

Councillor Yallop thereupon made a Statutory Declaration of Acceptance of Office.

Councillor Yallop thanked Members for their support.

6. CHAIRMAN'S ANNOUNCEMENTS

Tour de Tendring

The Chairman of the Council (Councillor Platt) reminded Council that this year's Tour de Tendring bike ride would be held on Sunday 13 May 2018.

He also informed Council that the Deputy Chief Executive (Martyn Knappett) would be taking part in the ride to raise money for the Autism Anglia charity. He encouraged everyone to support Martyn.

7. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE

There were none on this occasion.

8. REPORT OF THE HEAD OF LEADERSHIP SUPPORT AND COMMUNITY - A.1 - REVIEW OF THE SCHEME OF MEMBERS' ALLOWANCES BY THE INDEPENDENT REMUNERATION PANEL

The Council had before it a report of the Head of Leadership Support and Community, which informed Members that the Independent Remuneration Panel (IRP) had recently undertaken a review of Members' Allowances for a scheme commencing 1 May 2018 and that the Panel's recommendations had been published in the local press in accordance with legislation.

Council was advised that it must now have regard to the recommendations of the IRP in determining a Scheme of Allowances for 2018/19. The Council could depart from the IRP's recommendations provided it could demonstrate good reasons for doing so, having taken all relevant matters into account.

Council recalled that it had last agreed a Scheme of Allowances on 25 April 2017 which had had effect from 1 May 2017.

It was moved by Councillor G V Guglielmi and seconded by Councillor Talbot and:-

RESOLVED that -

- (a) the allowances recommended by the IRP, as set out in its report to the Council (Appendix A to item A.1 of the Report of the Head of Leadership Support and Community) be approved.
- (b) the IRP undertakes a further review for 2019/20 and makes recommendations to Annual Council in May 2019.
- (c) the Scheme of Members' Allowances in Part 7 of the Constitution be amended to reflect the agreed allowances and expenses.

9. **APPOINTMENT OF COMMITTEES AND SUB-COMMITTEE AND ELECTION OF CHAIRMEN AND APPOINTMENT OF VICE-CHAIRMEN**

(a) (i) Appointment of Committees and Sub-Committee subject to the Rules of Political Proportionality

The Council had before it a schedule of Members that it was proposed should serve on each of the Council's Committees and Sub-Committee, which were subject to the rules of political proportionality.

It was moved by Councillor G V Guglielmi, seconded by Councillor Talbot and:

RESOLVED that the Committees and Sub-Committee of the Council, subject to the rules of political proportionality be, and are, hereby appointed for the 2018/2019 municipal year and that their membership be as set out hereunder:

Audit Committee

Councillors Alexander, Bray, Coley, Hones, Poonian, Scott and Yallop.

Community Leadership Overview and Scrutiny Committee

Councillors Bush, Cawthron, Chittock, Coley, Griffiths, V E Guglielmi, I J Henderson, Land, Newton, Raby and Yallop.

Human Resources and Council Tax Committee

Councillors Callender, Calver, Chapman, Chittock, Ferguson, Griffiths, S A Honeywood, Khan, King, Porter and Raby.

Licensing and Registration Committee

Councillors Amos, B E Brown, Callender, Cossens, Davis, V E Guglielmi, J Henderson, Watson, White, Whitmore and Winfield.

Local Plan Committee

Councillors Bray, Broderick, Bush, Chapman, Ferguson, G V Guglielmi, I J Henderson, Land, Newton, Nicholls, Platt, Poonian, Porter, Stock OBE and Turner.

Planning Committee

Councillors Alexander, Baker, Bennison, M Brown, Cawthron, Everett, Fowler, Heaney, Hones, McWilliams and White.

Resources and Services Overview and Scrutiny Committee

Councillors Alexander, Amos, Baker, Broderick, M Brown, Everett, Miles, Pemberton, Scott, Steady and Stephenson.

Standards Committee

Councillors Bray, Bucke, Heaney, S A Honeywood, Nicholls, Steady and Whitmore.

Miscellaneous Licensing Sub-Committee

Councillors B E Brown, Callender, Cossens, V E Guglielmi, J Henderson, Watson, Whitmore and Winfield.

(a) (ii) Appointment of the Town and Parish Councils Standards Sub-Committee

It was moved by Councillor G V Guglielmi, seconded by Councillor Talbot and:

RESOLVED that the Town and Parish Councils Standards Sub-Committee be, and is, hereby appointed for the 2018/2019 municipal year and that its membership be as set out hereunder:

Councillors Rosemary Heaney, Fred Nicholls and Graham Steady.

(b) Election of a Chairman of each of the above Committees and Sub-Committees (except the Town and Parish Councils Standards Sub-Committee) and Appoint a Vice-Chairman of each of the above Committees and the Miscellaneous Licensing Sub-Committee

It was moved by Councillor G V Guglielmi, seconded by Councillor P B Honeywood and:

RESOLVED that the Chairmen and Vice-Chairmen of the following Committees and Sub-Committee be and are elected respectively for the 2018/2019 municipal year as follows:

<u>Committee/Sub-Committee</u>	<u>Chairman</u>	<u>Vice-Chairman</u>
Audit	Coley	Poonian
Community Leadership Overview & Scrutiny	Land	V E Guglielmi
Human Resources & Council Tax	Callender	Chapman
Licensing and Registration	Cossens	Callender
Local Plan	Stock OBE	Turner
Planning	White	Heaney
Resources and Services Overview & Scrutiny	Vacant	Alexander
Standards	Heaney	Bray
Miscellaneous Licensing Sub-Committee	V E Guglielmi	Cossens

It was moved by Councillor Bush and seconded by Councillor Bennison that Councillor Stephenson be elected Chairman of the Resources and Services Overview and Scrutiny Committee.

It was then moved by Councillor Porter and seconded by Councillor Pemberton that Councillor Scott be elected Chairman of the Resources and Services Overview and Scrutiny Committee.

The vote on the election of the Chairman of the Resources and Services Overview and Scrutiny Committee resulted as follows:-

<u>Councillors Voting for Councillor Stephenson</u>	<u>Councillors Voting for Councillor Scott</u>	<u>Councillors Abstaining</u>	<u>Councillors Absent</u>
Bennison	J A Brown	Alexander	Bucke
Broderick	Cawthron	Amos	Calver
Bush	Pemberton	Baker	Khan
Chapman	Porter	Bray	Massey
Davis	Scott	B E Brown	Stock OBE
Ferguson		M Brown	Watling MP
Fowler		Callender	Whitmore
Gray		Chittock	
I Henderson		Coley	
J Henderson		Cossens	
Hones		Everett	
King		Fairley	

Newton
Steady
Stephenson
White
Winfield
Yallop

Griffiths
G V Guglielmi
V E Guglielmi
Heaney
P B Honeywood
S A Honeywood
Land
McWilliams
Miles
Nicholls
Platt
Poonian
Raby
M J Skeels
M J D Skeels
Talbot
Turner
Watson

RESOLVED that Councillor Stephenson be elected Chairman of the Resources and Services Overview and Scrutiny Committee for the 2018/2019 municipal year.

10. REPORT OF THE MONITORING OFFICER - A.2 - THE COUNCIL'S CONSTITUTION

Members were informed that, in accordance with Council Procedure Rule 1.1 (viii), it was normal practice at the annual meeting of the Council to formally reaffirm the Council's current Constitution.

The full text of the Council's Constitution could be found on the Council's website and Members had previously been provided with a booklet containing those sections of the Constitution most relevant to the work of Councillors. That booklet would shortly be reprinted and reissued to Members to reflect the recent changes that had been made to the Constitution.

It was moved by Councillor G V Guglielmi, seconded by Councillor P B Honeywood and:

RESOLVED that the Council's Constitution be reaffirmed.

11. REFERENCE FROM CABINET - A.3 - PROGRAMME OF MEETINGS: 2018/2019 MUNICIPAL YEAR

The Council gave consideration to a proposed timetable of meetings of the Council, the Audit Committee, the Community Leadership Overview and Scrutiny Committee, the Human Resources and Council Tax Committee, the Licensing and Registration Committee, the Local Plan Committee, the Planning Committee, the Resources and Services Overview and Scrutiny Committee and the Standards Committee for the 2018/2019 municipal year.

The programme of meetings also included dates for Members' training on matters relating to planning and development control in order to assist Members in keeping their diaries up-to-date.

It was moved by Councillor G V Guglielmi and:

RESOLVED that

- (a) the programme of meetings of the Council and its Committees, as set out in the Appendix to item A.3 of the Reference from Cabinet, be approved; and

(b) the proposed dates for Members' training on planning etc. matters be noted.

12. REFERENCE FROM OVERVIEW AND SCRUTINY COMMITTEES - A.4 - OVERVIEW AND SCRUTINY COMMITTEES: PROPOSED WORK PROGRAMMES FOR 2018/2019 AND A REVIEW OF THE WORK CARRIED OUT DURING THE PERIOD MAY 2017 TO APRIL 2018

The Council considered a report which sought its approval to proposed work programmes for the new Community Leadership Overview and Scrutiny Committee and the new Resources and Service Overview and Scrutiny Committee for the 2018/2019 municipal year and which reviewed the work carried out by the former overview and scrutiny committees (i.e. the Community Leadership and Partnerships Committee, the Corporate Management Committee and the Service Development and Delivery Committee) during the period May 2017 to April 2018.

It was moved by Councillor Stephenson and:

RESOLVED that the proposed work programmes for the Community Leadership Overview and Scrutiny Committee and the Resources and Services Overview and Scrutiny Committee for the 2018/2019 municipal year and the review of the work carried out in the period May 2017 to April 2018 by the former overview and scrutiny committees (i.e. the Community Leadership and Partnerships Committee, the Corporate Management Committee and the Service Development and Delivery Committee), as set out in Appendices A4A and A4B to item A.4 of the References from Committees, be approved.

Finally, the Chairman invited Members and Officers to join him in the Chairman's Parlour after the meeting for refreshments.

The meeting was declared closed at 8.23 p.m.

Chairman

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Questions pursuant to Council Procedure 11.2

The following questions have been received, on notice, from Members:

Question One

From Councillor Michael Talbot to Councillor Fred Nicholls, Portfolio Holder for Corporate Enforcement:

“Since I last asked you a question on the 5th September 2017 on the subject of the Planning Enforcement Notices served on my residents and owners of properties in Point Clear Bay, further notices have been served.

May I ask the total number of enforcement notices now extant in Point Clear Bay?

Am I correct in assuming that Tendring District Council will only be obliged to rehouse those occupiers if they remain in their homes, on which such an enforcement notice has been served, until a Court enforces their eviction, thereby avoiding any suggestion by TDC that they left their homes voluntarily and therefore are not entitled to housing support from this District Council?”

Question Two

From Councillor Chris Griffiths to Councillor Mick Skeels Snr, Portfolio Holder for Leisure and Tourism:

“During main events such as motor rallies, air shows and cycle races etc., a number of residents on Martello Bay and Marine Parade West face severe disruption which sees some roads such as Marine Parade West completely closed off, and others such as St Vincent Road, Collingwood Road, Trafalgar Road and Nelson Road blocked off at one end by concrete blocks.

This means that on-street parking for residents is either lost or restricted which causes massive disruption for those trying to get to work or have home helps etc.

Would it be possible to make provision for allocated residential parking during the period that these events take place and give prior notification to residents living in the immediate vicinity?”

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**MINUTES OF THE MEETING OF THE STANDARDS COMMITTEE,
HELD ON MONDAY, 19TH MARCH, 2018 AT 10.00 AM
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY,
CO16 9AJ**

Present:	Councillors Heaney (Chairman), Honeywood (Vice-Chair)(except items 26 (part) - 27), Bray, Bucke, Nicholls, Steady and Whitmore
In Attendance:	Lisa Hastings (Head of Governance and Legal Services & Monitoring Officer), Linda Trembath (Senior Solicitor (Litigation and Governance) & Deputy Monitoring Officer) and Ian Ford (Committee Services Manager & Deputy Monitoring Officer)
Also in Attendance:	Clarissa Gosling and John Wolton (Independent Persons)

21. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillor J A Brown (with Councillor Whitmore substituting).

22. MINUTES OF THE LAST MEETING

The minutes of the meeting of the Standards Committee, held on 22 January 2018, were approved as a correct record and signed by the Chairman.

23. DECLARATIONS OF INTEREST

There were none on this occasion.

24. REPORT OF THE MONITORING OFFICER - A.1 - MANDATORY TRAINING FOR MEMBERS - ANNUAL UPDATE

There was submitted a report (A.1) by the Monitoring Officer which sought to update the Committee, as part of its agreed work programme, on the current position of mandatory training for Members and named substitute Members of the Council's Audit, Licensing & Registration, Planning and Standards Committees.

The report reiterated the Council's decision and constitutional requirement to make relevant training mandatory for Members, and their named substitutes, in respect of a number of the Council's Committees and also provided details of training undertaken and attendance to date.

Appendix A to the report provided details of those Members who had undertaken 1-2-1 Code of Conduct sessions with the Monitoring Officer, either following a recommendation from the Standards Committee, or following election to the Council. The Monitoring Officer confirmed that due to the type of matters considered by the Standards Committee, each topic involved consideration of the relevant factors and in doing so the Committee received a range of information to take into account. When hearings were required to determine the outcome of Members' Code of Conduct complaints a briefing was held with the members of the Committee beforehand.

Appendix B to the report provided details of the Planning Committee Mandatory Training for 2017/18. The Committee noted that the usual range of subjects had not been delivered, with concentration on determining applications and the Local Plan, as both of those sessions were essential to understanding the various considerations to be taken into account by the Planning Committee when making decisions on applications.

Appendix C to the report detailed the training record for the Licensing and Registration Committee. This year only one session had been delivered but it had covered a range of topics.

Appendix D to the report was the training record for the Audit Committee.

The Committee was reminded that to ensure that the training was successful and the application of the principles was understood by Members, each session tended to have a workshop style question and answer session at the end. This style had been adopted by the Licensing and Registration and Planning Committees' training sessions and had worked well for both Members and officers and had encouraged debate.

It was reported that recently, as part of the committee structure review, members of the Electoral Review Working Group had raised the requirements to attend mandatory training and the consequences for failing to do so. Whilst the Constitution required a Member to undertake mandatory training if they were a member of certain committees, the rules were silent on the consequences of failing to do so. It was acknowledged that in the majority of cases, if a Member had not undertaken mandatory training they would not take part in certain decision making. However, without the relevant Group Leader's co-operation this would be difficult to enforce if a Member failed to observe the rules.

The Electoral Review Working Group had therefore requested that the Monitoring Officer undertake a review of the constitutional requirements relating to attending mandatory training linked to committee membership. Due to falling within its terms of reference, the Monitoring Officer would consult the Standards Committee on any new proposals.

Following discussion by the Committee, it was moved by Councillor Whitmore, seconded by Councillor Nicholls and -

RESOLVED that the Standards Committee:

- (a) notes the contents of the report and its Appendices;
- (b) encourages Members of the Planning, Licensing and Registration and Audit Committees to attend organised mandatory training to comply with the constitutional requirement;
- (c) welcomes a review of the constitutional requirements relating to attending mandatory training linked to committee membership and requests that the Committee is consulted on any new proposals. Further that any such review should also examine the relationships/implications between Members' attendance at meetings and Members' allowances; and
- (d) that, in future, the Independent Persons be invited to attend Member training sessions on the Code of Conduct.

After further discussion it was moved by Councillor Bray, seconded by Councillor Steady and –

RESOLVED (e) that, the Committee at its first meeting after the District Council Elections in May 2019, receive details pertaining to the attendance of Members at the training sessions on the Members' Code of Conduct.

25. REPORT OF THE MONITORING OFFICER - A.2 - ANNUAL REPORT ON DECLARATIONS OF INTEREST AND ASSOCIATED MATTERS

There was submitted a report (A.2) by the Monitoring Officer which provided the Committee with an overview on the register of, and declarations of interests by, Members in the period 11 March 2017 to 28 February 2018. The report provided statistics and related information on -

- 1) the Register of Members' Disclosable Pecuniary Interests including a specific dispensation granted by the Monitoring Officer;
- 2) declarations of interest at meetings;
- 3) use of blanket dispensations;
- 4) declarations of offers/receipt of gifts and hospitality; and
- 5) revised declarations of interest with effect from April 2018.

The data had been collated from the Committee modern.gov IT system and from Members' submissions.

Having considered the information submitted it was moved by Councillor Bray, seconded by Councillor Bucke and:

RESOLVED that the contents of the report be noted.

26. REVIEW OF LOCAL GOVERNMENT ETHICAL STANDARDS BY THE COMMITTEE ON STANDARDS IN PUBLIC LIFE

The Committee considered submitting a response to the stakeholder consultation by the Committee on Standards in Public Life on its review of local government ethical standards. The review was considering all levels of local government and its terms of reference were to:

- examine the structures, processes and practices in local government in England for:
 - maintaining codes of conduct for local councillors
 - investigating alleged breaches fairly and with due process
 - enforcing codes and imposing sanctions for misconduct
 - declaring interests and managing conflicts of interest
 - whistleblowing.
- assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government.
- make any recommendations for how they can be improved.

- note any evidence of intimidation of councillors, and make recommendations for any measures that could be put in place to prevent and address such intimidation.

The consultation was due to end on 18 May 2018.

During the debate, the Committee requested that further consideration be given to whether the Council should register all Members of the Council, on their behalf, as data controllers with the Information Commissioner's Office rather than requiring Members to register on an individual basis and reimburse the fee. Although recent guidance had been issued by Officers, a number of the Committee had different interpretations of the current position and sought further guidance and clarification. The Monitoring Officer agreed to raise this with the Corporate Director for Corporate Resources.

Having considered the information submitted and questions asked in the consultation document it was moved by Councillor Bray, seconded by Councillor Heaney and:

RESOLVED that the Monitoring Officer be authorised to submit, in consultation with the members of the Committee, the Council's formal response to the stakeholder consultation by the Committee on Standards in Public Life on its review of local government ethical standards.

27. DISCUSSION TOPICS AND/OR UPDATES FROM THE MONITORING OFFICER

Prior to the update from the Monitoring Officer, the Chairman wished the Committee to discuss the matter of non-payment of Council Tax by Councillors which was receiving public interest.

Following debate by the Committee it was moved by Councillor Heaney, seconded by Councillor Bray and -

RESOLVED that:

- (a) the Standards Committee is disappointed that a number of Councillors have recently failed to pay Council Tax and reminds all District Council Members of the Guidance approved by the Standards Committee and issued last year and requests the Monitoring Officer to reissue the same;
- (b) Non-payment of Council Tax is regarded as a matter of bringing the Council into disrepute and failing to demonstrate several of the Nolan Principles, especially when Councillors receive a monthly allowance; and
- (c) this subject is included within the Standards Committee's response to the stakeholder consultation by the Committee on Standards in Public Life on its review of local government ethical standards, particularly in relation to the lack of sanctions.

Quarterly Complaints Update

The Monitoring Officer circulated to the Committee the quarterly schedule, which gave general details of complaints received, without providing any names, and went through them with the Committee.

General Notes – Matters arising through January to March 2018

The Monitoring Officer informed the Committee that, unfortunately, due to an increase in her workload/lack of capacity it had not been possible to finalise two of the pending complaints within the time scale specified in the Council's Complaints Procedure.

To that end the Deputy Monitoring Officer arrangements had been amended to provide additional resource to the Monitoring Officer.

Members were informed that Linda Trembath (Senior Solicitor) would assist with future matters relating to complaints and, in addition, a governance officer post to be shared with the Council's Section 151 Officer had been approved for recruitment.

Members were also informed that Ian Ford (Committee Services Manager) would be a further source of advice on matters relating to the Council's Constitution.

Requests for Dispensations

The Committee was advised that no requests for dispensations had been submitted to the Monitoring Officer since the last update to Members.

The Committee's Work Programme for 2018/2019

The Committee gave consideration to its work programme for the 2018/2019 Municipal Year.

Members had before them a suggested work programme which had been submitted by the Monitoring Officer.

It was moved by Councillor Nicholls, seconded by Councillor Bray and –

RESOLVED that the annual Work Programme for 2018/2019, as set out below, be approved –

20 June 2018 (provisional date)

- Review of Member and Officer Relations Protocol (contained within the Members' Constitution Booklet);
- Consultation on proposed changes to mandatory training requirements
- Quarterly Complaints update by Monitoring Officer

3 October 2018 (provisional date)

- Consider and approve recruitment arrangements for Independent Persons for appointment from May 2019
- Quarterly Complaints update by Monitoring Officer

16 January 2019 (provisional date)

- Review – update for the Committee on decisions and actions taken nationally for information and guidance

- Quarterly Complaints update by Monitoring Officer

20 March 2019 (provisional date)

- Update on Mandatory Training
- Annual Report on declarations of interest (meetings, gifts and hospitality)
- Work Programme 2019/2020
- Quarterly Complaints update by Monitoring Officer

The Committee was aware that individual matters might be referred to the above meetings by the Monitoring Officer in accordance with the Committee's Terms of Reference as necessary, for example an appeal against dispensation decision or a code of conduct hearing.

The meeting was declared closed at 1.02 pm

Chairman

MINUTES OF THE MEETING OF THE COMMUNITY LEADERSHIP AND PARTNERSHIPS COMMITTEE, HELD ON MONDAY 19 MARCH 2018 AT 7.30 PM IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY

Present:	Councillors Land (Chairman), Baker (Vice-Chairman), Amos, Broderick, Chittock, Davis (except minutes 42 - 44 and part 45), I Henderson, Newton, Poonian and Raby
Also Present:	Councillor McWilliams – Health and Education Portfolio Holder
In Attendance:	Karen Neath (Head of Leadership Support and Community) and Katie Sullivan (Committee Services Officer)
Also In Attendance:	Elizabeth Kingsford (Quadrant Manager for the North Essex area – Virgin Care)

42. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillor Yallop (with no substitute).

43. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the Committee, held on Monday 19 February 2018, were approved as a correct record and signed by the Chairman.

44. DECLARATIONS OF INTEREST

There were none.

45. VIRGIN CARE

Elizabeth Kingsford (Quadrant Manager for the North Essex area – Virgin Care) was in attendance and provided the Committee with information on Virgin Care. The information provided included the following:

1. Introduction;
2. Background;
3. The Essex Child and Family Wellbeing Service;
4. 10 Year Contract;
5. Working in partnership with Barnardo's;
6. Transition and change;
7. Integration of various teams;
8. Health visiting;
9. Community Services;
10. Projects;
11. Tailoring needs; and
12. 27 Key aims / Targets.

Following on from the information provided, Members were given the opportunity to ask questions which were responded to by Elizabeth Kingsford.

Elizabeth Kingsford informed the Committee that she would be happy to provide Case Studies and information on the progress made by Virgin Care in the future.

Following discussion, it was **RECOMMENDED** to **CABINET** that:

The Community Safety Partnership and the Public Health Officer make contact with Virgin Care to ensure that the work of Virgin Care locally links through to the relevant projects and activities already being undertaken in the District.

The Chairman thanked Elizabeth Kingsford for her attendance and for the information that she had provided.

46. REPORT OF THE HEAD OF LEADERSHIP SUPPORT AND COMMUNITY - A.1 - ANNUAL REVIEW OF THE YEAR 2017/18 AND WORK PROGRAMME 2018/19 FOR THE NEW COMMUNITY LEADERSHIP OVERVIEW AND SCRUTINY COMMITTEE

There was submitted a report by the Head of Leadership Support and Community, which provided the Committee with a review of the work it had carried out in the current municipal year and sought Members' approval to a draft Work Programme for the new Community Leadership Overview and Scrutiny Committee for the coming 2018/2019 municipal year for recommendation to the annual meeting of the Council to be held on 24 April 2018.

The Council's Head of Leadership Support and Community explained that Appendix A to the report was a summary of what had been discussed and agreed by the Committee in the municipal year thus far. She stated that Appendix B was a suggested work programme for the new Community Leadership Overview and Scrutiny Committee and that she was happy for the Committee to add any items it felt were required.

The Committee were reminded that the new Community Leadership Overview and Scrutiny Committee would have fewer ordinary meetings but its work would be supplemented by Task and Finish Groups.

The Council's Head of Leadership Support and Community provided the Committee with information on Task and Finish Groups and Members were then given the opportunity to discuss their thoughts and ideas.

It was proposed that the Committee should meet informally prior to the first meeting of the new Community Leadership Overview and Scrutiny Committee to discuss Task and Finish Groups further.

Following discussion, it was moved by Councillor Raby, seconded by Councillor Broderick and **RESOLVED** that:

- (a) the report on the review of the year 2017/18, as detailed in Appendix A to item A.1 of the Report of the Head of Leadership Support and Community be noted; and
- (b) the draft 2018/19 Work Programme for the new Community Leadership Overview and Scrutiny Committee, as set out in Appendix B to the aforementioned report, be agreed and submitted to the Annual Meeting of the Council for approval.

The meeting was declared closed at 9.28 pm

Chairman

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Public Document Pack

Audit Committee

22 March 2018

**MINUTES OF THE MEETING OF THE AUDIT COMMITTEE,
HELD ON THURSDAY, 22ND MARCH, 2018 AT 7.32 PM
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY,
CO16 9AJ**

Present:	Councillors Poonian (Vice-Chair, in the Chair), Alexander and Hones
In Attendance:	Richard Barrett (Head of Finance, Revenues and Benefits Services & Section 151 Officer), Craig Clawson (Acting Audit & Governance Manager), Ian Ford (Committee Services Manager) and Clare Lewis (Fraud and Risk Manager)
Also in Attendance	Kevin Suter (Associate Partner – Ernst & Young LLP) (except items 30 – 35)

24. CHAIR

In the absence of the Chairman of the Committee (Councillor Coley), the Chair was occupied by the Vice-Chairman (Councillor Poonian).

25. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillor Coley. There was no substitute.

26. MINUTES OF THE LAST MEETING

The minutes of the meeting of the Committee held on 25 January 2018 were approved as a correct record and signed by the Chairman.

27. DECLARATIONS OF INTEREST

There were none.

**28. REPORT OF CORPORATE DIRECTOR (CORPORATE SERVICES) - A.3 -
EXTERNAL AUDIT'S AUDIT PLANNING REPORT FOR THE YEAR ENDED 31
MARCH 2018**

There was submitted a report by the Council's Corporate Director (Corporate Services) (A.3) which presented for the Committee's consideration and agreement the External Auditor's Audit Planning Report for the year ended 31 March 2018.

Members were informed that the External Auditor's Audit Plan for the year ending 31 March 2018 set out their planned audit work in respect of forming their opinion on the 2017/18 Financial Statements and the Council's arrangements to secure value for money. The Plan had been developed taking into account a number of factors such as strategic, operational and financial risk which provided a reporting focus on the areas that mattered and would more likely be relevant to the Council.

Kevin Suter from the Council's external auditor, Ernst & Young, highlighted the salient points of their audit plan for 2016/17 and, in particular, focused on –

- Audit Risks
 - a) Risk of fraud in revenue and expenditure recognition;
 - b) Risk of Management Override;
 - c) Property, Plant and Equipment Valuations; and
 - d) Pension Valuations and Disclosure.
- Value for Money Risks – Achievement of Savings Needed over the Medium Term
- Impact of the Accounts and Audit Regulations 2015 which have changed the latest date for publication of draft accounts to 31 May and the latest date for publication of the final accounts to 31 July

Having considered the proposed External Auditor's Audit Plan it was:

RESOLVED that the External Auditor's Audit Planning Report for the year ended 31 March 2018 be approved.

29. REPORT OF CORPORATE DIRECTOR (CORPORATE SERVICES) - A.4 - EXTERNAL AUDIT - CERTIFICATION OF CLAIMS AND RETURNS ANNUAL REPORT 2016/17

There was submitted a report by the Council's Corporate Director (Corporate Services) (A.4) which presented the External Auditor's certification of claims and returns annual report for 2016/17.

In summary, the key outcomes from the annual report were as set out below:

- only the Housing Benefit Subsidy claim had been subject to audit certification by the Council's External Auditor in 2016/17.
- a qualification letter had been issued in respect of the housing benefit subsidy claim, although there had been only a marginal effect on the subsidy due.
- to date no response had been received from the Department for Works and Pensions in response to the External Auditor's qualification letter which they would have received late last year.
- one recommendation had been made by the External Auditor which had been agreed by Officers.
- The breakdown of the External Auditor's 2016-17 Certification Fees (subject to Public Sector Auditor Appointments Ltd. approval)

Kevin Suter from the Council's external auditor, Ernst & Young, highlighted the salient points of their audit report including its recommendation in respect of the Housing Benefit Subsidy Claim (which related to the Council performing early and extended testing in those areas where errors had been identified in 2016/17 to ascertain the extent of similar errors on 2017/18) and the 2016-17 Certification Fees.

Having considered the External Auditor's report it was:

RESOLVED that

- a) the contents of the External Auditor's certification of claims and returns annual report 2016/17 be noted; and
- b) the recommended action in response to the External Auditor's findings be approved.

30. REPORT OF THE ACTING AUDIT AND GOVERNANCE MANAGER - A.1 - REPORT ON INTERNAL AUDIT

The Committee had before it a periodic report (A.1) on the Internal Audit function for the period of December 2017 to February 2018. The report also set out the key findings and appropriate actions required going forward from the External Quality Assessment (EQA) of the Council's Internal Audit function.

The Council's Acting Audit and Governance Manager (Craig Clawson) informed the Committee that the Internal Audit function had been assessed in three areas by the EQA namely -

Resource - Business Vision and Mission, Governance arrangements, Recognition of standards, Guidance, Procedures and Supervision, Terms of Engagement, Ethics and business conduct

Competency - Charter, Internal Audit Manual, Planning and Allocation of staffing, Recruitment (Numbers and skills), Training (Professional and Technical), Appraisal and Development

Delivery - Client engagement and relationship, Directed led service, Terms of Engagement (Audit/Assignment Brief), Discussion of assurance and advisory opinions, Reporting at assignment and strategic levels

The categorisation of recommendations used by the EQWA to understand the level of priority needed for each action were as set out below -

Recommendation grading	Explanation
Enhance	The internal audit service must enhance its practice in order to demonstrate transparent alignment with the relevant PSIAS in order to demonstrate a contribution to the achievement of the organisations objectives in relation to risk management, governance and control.
Review	The Internal audit division should review its approach in this area to better reflect the application of the PSIAS.
Consider	The internal audit division should consider whether revision of its approach merits attention in order to improve the efficiency and effectiveness of the delivery of services

The Committee was informed that the majority of the EQA's recommendations had been graded as "Consider" and only one recommendation had been graded as "Enhance".

Appendix A to the report provided an action plan which included all the EQA's recommendations that had been categorised as "Review" and "Enhance" for review by the Committee. The action plan detailed how the Internal Audit Team would incorporate each recommendation into working practice together with an estimated implementation date.

Members were informed that the EQA reported that the Internal Audit Team were excelling in the area of 'Resource' and were established in the areas of 'Competency' and 'Delivery'. The report also stated that: "*The internal audit service has responded to the new standards in recent years and has moved towards a common approach that is consistent with the PSIAS [Public Sector Internal Audit Standards].*"

The Committee was made aware that the common theme within the report was one of alignment between Internal Audit processes and Risk Management processes in order to provide consistency across the Council in its approach to, and tolerance of, risk.

The Council's Acting Audit and Governance Manager (Craig Clawson) also informed the Committee that six audits had been completed in the report period of which five had achieved a satisfactory level of assurance and one had received an 'Improvement Required' opinion.

Mr Clawson also informed the Committee of the current position in relation to:

- (i) Internal Audit Plan Progress;
- (ii) Quality Assurance;
- (iii) Outcomes of Internal Audit Work;
- (iv) Walton-on-the-Naze Lifestyles; and
- (v) Management response to Internal Audit Findings.

RESOLVED that –

- (a) the actions to be taken by the Internal Audit Team to incorporate recommendations made by the External Quality Assessor be noted; and
- (b) the Internal Audit Plan progress to date be noted.

31. REPORT OF ACTING AUDIT AND GOVERNANCE MANAGER - A.2 - INTERNAL AUDIT CHARTER AND INTERNAL AUDIT PLAN 2018/19

There was submitted a report by the Council's Acting Audit and Governance Manager (A.2) which sought the Committee's approval for the Internal Audit Plan for 2018/19. The Plan was before the Committee as Appendix A to that report and had been developed using a risk based approach, taking into account the Council's Corporate Objectives, Corporate Risks, Departmental Risks and Emerging Risks.

Members were informed that it was proposed to deliver the Annual Audit Plan using the current resource establishment with the introduction of new audit techniques such as *Continuous Auditing, Assurance Mapping, Root Cause Analysis / Data Analytics, Lean*

Auditing, Self-Assessments and Consultancy / Advisory Services as well as the introduction of a new apprentice within the Team.

The Committee was advised that the Plan would be kept under review during the year, in consultation with the Council's Management Team, and taking account of changes to the Council's priorities, operations and risk. Changes to the Plan would be brought to the attention of the Committee for its approval.

The Committee was also reminded that Public Sector Internal Audit Standards required that the Chief Audit Executive (or equivalent officer): -

1. Periodically reviewed the Internal Audit Charter and presented it for approval.
2. Provided a high level statement of how the Internal Audit Service would be delivered and developed in accordance with the Internal Audit Charter and how it linked to the organisational objectives and priorities.
3. Established a risk based Internal Audit Plan, at least annually, to determine the priorities of the Internal Audit function, consistent with the Council's goals.
4. Had in place a mechanism to review and adjust the plan, as necessary, in response to changes to the Council's business, risks, operations, programmes, systems and controls.
5. Produced a plan that took into account the need to produce an annual Internal Audit opinion.
6. Considered the input of senior management and the Audit Committee in producing the plan.
7. Assessed the Internal Audit resource requirements.

The Acting Audit and Governance Manager (Craig Clawson) made the Committee aware of the background matters in relation to –

- (i) the development of the Audit Plan;
- (ii) the Internal Audit resource requirements; and
- (iii) the Internal Audit Plan detail.

In relation to the Internal Audit Charter, the Committee was aware that in previous years an updated Audit Charter had been presented to its March meeting for Members' approval. The Audit Charter included legislative and regulatory requirements; governance arrangements between the Audit Committee, Management and Internal Audit; and roles and responsibilities and processes and procedures undertaken by Internal Audit and the Audit Committee. However, as the Internal Audit Team developed the new approach in delivering the internal audit plan, many of those processes and procedures would be subject to change. It was therefore proposed by Officers to present an updated Internal Audit Charter to the Committee later in the year. In the meantime, the existing Charter would remain in place and continue to set out the core principles defining the purpose, authority and responsibility of the Internal Audit Function which therefore would remain relevant until such time as a revised charter was agreed.

Following discussion, it was **RESOLVED** that -

- (a) the Internal Audit Plan for 2018/19 be approved; and
- (b) that the existing arrangements for updating the Plan during the year, where necessary to reflect changing Authority activity and operational needs and to provide flexibility of service delivery, be continued, with significant amendments reported to the Committee as part of the periodic Internal Audit reporting arrangements.

32. REPORT OF CORPORATE DIRECTOR (CORPORATE SERVICES) - A.5 - AUDIT COMMITTEE WORK PROGRAMME 2018/19

There was submitted a report by the Council's Corporate Director (Corporate Services) (A.5) which presented for approval the Committee's proposed work programme for the period April 2018 to March 2019. The work programme was before the Committee as an Appendix to the report.

Members were aware that, in addition to the regulatory and statutory activities undertaken by the Committee such as the Statement of Accounts, Corporate Governance and Risk Management, the Committee were also required to review and scrutinise:

- The work and performance of the Internal Audit function;
- The outcomes from the work of the Council's External Auditor; and
- Progress against audit recommendations and other items identified by the Committee.

Members were made further aware that during the year other matters apart from those set out above might be presented to the Committee for consideration. Given the on-going regulatory and statutory workload and the various additional activities undertaken by the Committee, any additional items that might arise would need to be considered against the proposed work programme and included for reporting at the appropriate meeting, or considered for inclusion in subsequent work programmes. Although not included in the formal work programme, it was recognised that the Committee might wish to develop training opportunities, which could be considered during the year. Such opportunities would either form part of future meetings or, where necessary, separate arrangements would be made.

The Committee was informed that the work programme included a counter-fraud update scheduled for the September meeting of the Committee. This was subject to the implementation of a restructuring process currently underway across the Finance, Revenues and Benefits service. This also provided a direct response to a question previously raised by the Committee in respect of non-housing anti-fraud work that was currently included in the Table of Outstanding Issues Report elsewhere on the agenda.

It was also reported that as the year progressed, it might be necessary to review items on the work programme as some reports / activities and associated timescales could be subject to change. As appropriate, the Chairman of the Committee would be consulted on any significant changes to the work programme.

Having considered the proposed Work Programme it was:

RESOLVED that the Audit Committee's Work Programme for 2018/19 be approved.

33. REPORT OF THE CORPORATE DIRECTOR (CORPORATE SERVICES) - A.6 - TABLE OF OUTSTANDING ISSUES

There was submitted a report by the Council's Corporate Director (Corporate Services) (A.6) which presented to Members the progress against outstanding actions identified by the Committee.

It was reported that the Table of Outstanding Issues had been reviewed and updated since it was last considered by the Committee at its meeting held on 25 January 2018.

It was further reported that there were no significant issues to bring to the attention of the Committee, with updates provided against individual items, as set out in Appendix A to item A.6 of the Report of the Corporate Director (Corporate Services), or elsewhere on the agenda where appropriate.

Updates against actions identified within the latest Annual Governance Statement were set out in Appendix B with no significant issues to highlight at the present time.

Members were informed that in developing a Counter Fraud and Corruption Strategy, a voluntary code of practise that had been published by CIPFA had been identified which was presented to the Committee to consider for adoption by the Council. That code of practice identified five key principles for an organisation to consider, namely –

Principle 1 – Acknowledge Responsibility

The organisation should acknowledge its responsibility for ensuring that the risks associated with fraud and corruption are managed effectively across all parts of the organisation.

Specific steps should include:

- *The organisation's leadership team acknowledge the threats of fraud and corruption and the harm they can cause to the organisation, its aims and objectives and to its service users.*
- *The organisation's leadership team acknowledge the importance of a culture that is resilient to the threats of fraud and corruption and aligns to the principles of good governance.*
- *The governing body acknowledges its responsibility for ensuring the management of its fraud and corruption risks and will be accountable for the actions it takes through its governance reports.*
- *The governing body sets a specific goal of ensuring and maintaining its resilience to fraud and corruption and explores opportunities for financial savings from enhanced fraud detection and prevention.*

Principle 2 – Identify Risks

Fraud risk identification is essential to understand specific exposures to risk, changing patterns in fraud and corruption threats and the potential consequences to the organisation and its service users.

Specific steps should include:

- *Fraud risks are routinely considered as part of the organisation's risk management arrangements.*
- *The organisation identifies the risks of corruption and the importance of behaving with integrity in its governance framework.*
- *The organisation uses published estimates of fraud loss, and where appropriate its own measurement exercises, to aid its evaluation of fraud risk exposures.*
- *The organisation evaluates the harm to its aims and objectives and service users that different fraud risks can cause.*

Principle 3 – Develop a Strategy

An organisation needs a counter fraud strategy setting out its approach to managing its risks and defining responsibilities for action.

Specific steps should include:

- *The governing body formally adopts a counter fraud and corruption strategy to address the identified risks and align with the organisation's acknowledged responsibilities and goals.*
- *The strategy includes the organisation's use of joint working or partnership approaches to managing its risks, where appropriate.*
- *The strategy includes both proactive and responsive approaches that are best suited to the organisation's fraud and corruption risks.*
- *The strategy includes clear identification of responsibility and accountability for delivery of the strategy and for providing oversight.*

Principle 4 – Provide Resources

The organisation should make arrangements for appropriate resources to support the counter fraud strategy.

Specific steps should include:

- *An annual assessment of whether the level of resource invested to counter fraud and corruption is proportionate for the level of risk.*
- *The organisation utilises an appropriate mix of experienced and skilled staff, including access to counter fraud staff with professional accreditation.*
- *The organisation grants counter fraud staff unhindered access to its employees, information and other resources as required for investigation purposes.*
- *The organisation has protocols in place to facilitate joint working and data and intelligence sharing to support counter fraud activity.*

Principle 5 – Take Action

The organisation should put in place the policies and procedures to support the counter fraud and corruption strategy and take action to prevent, detect and investigate fraud.

Specific steps should include:

-
- *The organisation has put in place a policy framework which supports the implementation of the counter fraud strategy.*
 - *Plans and operations are aligned to the strategy and contribute to the achievement of the organisation's overall goal of maintaining resilience to fraud and corruption.*
 - *Making effective use of national or sectoral initiatives to detect fraud or prevent fraud, such as data matching or intelligence sharing.*
 - *Providing for independent assurance over fraud risk management, strategy and activities.*
 - *There is a report to the governing body at least annually on performance against the counter fraud strategy and the effectiveness of the strategy from the lead person(s) designated in the strategy. Conclusions are featured in the annual governance report.*

It was **RESOLVED** that the Committee -

- a) notes the progress on the outstanding issues; and
- b) adopts CIPFA's code of practice on managing the risk of fraud and corruption.

34. EXCLUSION OF PRESS AND PUBLIC

RESOLVED that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Item 11 on the grounds that they involve the likely disclosure of exempt information as defined in the relevant paragraph(s) of Part 1 of Schedule 12A, as amended, of the Act.

35. EXEMPT MINUTE OF THE LAST MEETING HELD ON THURSDAY 25 JANUARY 2018

The Exempt Minutes of the last meeting of the Committee, held on 25 January 2018, were approved as a correct record and signed by the Chairman.

The meeting was declared closed at 8.42 pm

Chairman

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**MINUTES OF THE MEETING OF THE SERVICE DEVELOPMENT AND DELIVERY
COMMITTEE, HELD ON WEDNESDAY 4 APRIL 2018 AT 7.30 PM
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY**

Present:	Councillors Griffiths (Chairman), V E Guglielmi (Vice-Chairman), Alexander, Amos, Chapman, Ferguson, Fowler and Whitmore
Also Present:	Councillors G V Guglielmi (Portfolio Holder for Finance and Corporate Resources) and P B Honeywood (Portfolio Holder for Housing) (except minutes 19 - 21)
In Attendance:	Mark Westall (Head of Customer and Commercial Services), John Higgins (Head of IT and Corporate Resilience) (except minutes 23 - 24), Dan Pobjoy (IT Support Officer) (except minutes 23 - 24) and Katie Sullivan (Committee Services Officer)

19. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An apology for absence was received from Councillor Miles (with Councillor Alexander substituting).

20. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the Committee, held on Wednesday 15 January 2018, were approved as a correct record and signed by the Chairman.

21. DECLARATIONS OF INTEREST

There were none.

22. DEMONSTRATION OF THE COUNCIL'S NEW IT SYSTEMS

The Council's Head of IT and Corporate Resilience (John Higgins) and IT Support Officer (Dan Pobjoy) were in attendance and gave the Committee a demonstration on how to use Skype for Business and also how to use the Council's Self-Service Portal (Kiosk).

The Skype for Business demonstration included how to use instant messaging, how to share a document, making a phone call and a video call.

The Self-Service Portal demonstration provided Members with information on how to use the portal to register to vote and to submit information for queries relating to Housing, Licensing, Benefits, Council Tax and other inquiries.

Members were given the opportunity to ask questions throughout the demonstrations.

Following on from the demonstrations the Head of IT and Corporate Resilience gave the Committee a presentation on the Council's IT systems, Past, Present and Future.

The presentation covered the following areas:

- (1) The Council's Secure Data Storage;

- (2) Corporate Cisco Council Network (Voice & Data) Evolution;
- (3) Strategic Operational Investments;
- (4) Strategic Communications Investments;
- (5) Self-Service Portals (Kiosks);
- (6) Strategic IT Investment Programme Financial Analysis;
- (7) Digital Transformation Programme; and
- (8) Front-Office System Investment.

Following on from the presentation Members were given the opportunity to ask questions which were responded to by the Head of IT and Corporate Resilience and the Portfolio Holder for Finance and Corporate Resources (Councillor G V Guglielmi) who was also in attendance.

The Chairman thanked the Head of IT and Corporate Resilience, the IT Support Officer and the Portfolio Holder for Finance and Corporate Resources for the information that they had provided.

Following discussion, it was **AGREED** that the Committee **COMMENTS TO CABINET** that:

“the Committee would like to express their support for the excellent progression and changes with regards to the Council’s IT systems which were beneficial for all.”

23. REVIEW OF THE COUNCIL'S CUSTOMER SERVICE DELIVERY

The Council’s Portfolio Holder for Housing (Councillor P B Honeywood) was in attendance and introduced this item. He emphasised how important it was to “get the word out” to the public.

The Council’s Head of Customer and Commercial Services (Mark Westall) gave the Committee a presentation on the Council’s Customer Service Delivery.

The presentation covered the following areas:

- (1) Corporate priorities;
- (2) Background:–
 - Channel Shift Strategy;
 - Customer Service Delivery Strategy;
 - Digital Transformation.
- (3) Where we want to get to;
- (4) Customer Service Hub;
- (5) My Tending Portal;
- (6) Other parts of the District; and
- (7) In Conclusion:-
 - Better service for residents;
 - Many services available 24 hours a day;
 - Accessible in more locations.

Following on from the presentation Members were given the opportunity to ask questions.

The Chairman thanked the Head of Customer and Commercial Services for the information that he had provided.

24. REPORT OF THE HEAD OF CUSTOMER AND COMMERCIAL SERVICES - A.1 - REVIEW OF THE YEAR 2017/18 AND WORK PROGRAMME 2018/19 FOR THE NEW RESOURCES AND SERVICES OVERVIEW AND SCRUTINY COMMITTEE

There was submitted a report by the Head of Customer and Commercial Services (Mark Westall), which provided the Committee with a review of the work it had carried out in the current municipal year and which also sought Members' input into a draft Work Programme for the new Resources and Services Overview and Scrutiny Committee for the coming 2018/2019 Municipal Year for recommendation to the Annual Meeting of the Council to be held on 24 April 2018.

The Council's Head of Customer and Commercial Services explained that Appendix A to the report was a summary of what had been discussed and agreed by the Committee in the municipal year thus far.

Members were aware that it had been agreed by Council that the Council would appoint two Overview and Scrutiny Committees for the Municipal Year 2018/19 and that the Service Development and Delivery Committee would be dissolved and its work would become part of the Resources and Services Overview and Scrutiny Committee. The Resources and Services Overview and Scrutiny Committee would have a number of "routine" items which would be vital to ensure the Council, as a whole, was performing efficiently and effectively, managing its resources in the very best interest of the community it served, and complying with the appropriate legislation and guidelines. This would include financial strategy, budget setting and performance.

Members were informed that the Resources and Services Overview and Scrutiny Committee would undertake evidenced reviews of the effectiveness of:

- The Financial Strategy
- Budget Setting (including the General Fund and the Housing Revenue Account)
- Service Delivery and Performance
- Procurement and Contract Management
- Transformation and Digital Strategies
- Customer Service and Standards

Meetings of task and finish groups could be called as required following the terms of reference being agreed by the Committee.

Members were aware that the Corporate Management Committee had met and considered the Work Programme for the 2018/19 Municipal Year at its meeting held on 12 March 2018.

The Head of Customer and Commercial Services stated that Appendix B was a suggested Work Programme submitted by the Corporate Management Committee for the new Committee and he invited the Committee to add any extra items it felt were required.

Following discussion by the Committee it was **RESOLVED** that:

- (a) the report on the review of the year 2017/18, as detailed in Appendix A to item A.1 of the Report of the Head of Customer and Commercial Services be noted; and
- (b) a draft 2018/19 Work Programme for the new Resources and Services Overview and Scrutiny Committee, be submitted to the Annual Meeting of the Council for approval, with the inclusion of the following items:
- Update on Careline and Lifting Service.
 - Review of Beside the Seaside Festivals 2018.
 - Review of Clacton Air Show 2018.
 - Review the impact of the Public Convenience Strategy and future plans for a charging model.
 - Review of Tendring Closed Road Rally 2018.
 - Homelessness Provision.
 - Review of Environmental issues in light of the Waste Contract changes.

The Chairman, on behalf of himself and the Committee, thanked the Head of Customer and Commercial Services and the Committee Services Officer (Katie Sullivan) for all the help and assistance that they had given to Members during his tenure as Chairman of the Committee.

The meeting was declared closed at 9.40 pm

Chairman

COUNCILLOR IVAN HENDERSON’S MOTION TO COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE 12 – “RENEWAL AND DUALLING OF THE A120 – HARWICH TO HORSLEY CROSS”

“Following confirmation in writing from Martin Fellows, Regional Director Operations East Highways England, that the Wix By-pass is approaching the end of its anticipated life and that the long term aim is to renew this section of road, Tendring District Council writes to Essex County Council to advise ECC that it fully supports calls for the renewal and dualling of the A120 between Harwich and Horsley Cross and requests that ECC engages in the process of securing the necessary Government funding through the second Roads Investment Strategy Period 2020/25.”

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COUNCILLOR ANDREW PEMBERTON'S MOTION TO COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE 12 – "ADDITIONAL FLAG RAISING DAYS AT THE TOWN HALL"

"That this Council approves that, in addition to Armed Forces Day, Merchant Navy Day and Commonwealth Day, St George's Day be added as a flag raising day at the Town Hall and that the national flag of England be flown on that day."

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**COUNCILLOR COLIN WINFIELD'S MOTION TO COUNCIL PURSUANT TO
COUNCIL PROCEDURE RULE 12 – "FORMER PUBLIC CONVENIENCES AT
IPSWICH ROAD, HOLLAND-ON-SEA"**

"That this Council hereby requests the Executive to rescind the previous decisions taken by the Cabinet and the Finance and Corporate Services Portfolio Holder to close and lease out the public conveniences at Ipswich Road, Holland-on-Sea and instruct the Corporate Director (Operational Services) to restore and re-open for public use the aforesaid public conveniences."

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COUNCIL

15 MAY 2018

REPORT OF HEAD OF LEADERSHIP SUPPORT AND COMMUNITY

A.1 COMMUNITY GOVERNANCE REVIEWS

(Report prepared by Karen Neath)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To provide an update on Community Governance Reviews across the District.

EXECUTIVE SUMMARY

- At the meeting of Full Council on 21st November 2017 a report was considered on Community Governance Reviews and it was agreed that:-
 - a) *the terms of reference attached at Appendix A to item A.5 of the Report of the Head of Leadership Support and Community, for a Community Governance Review for the land in the St Osyth District Council area but not in the St Osyth parish area, be agreed and that this Community Governance Review be now commenced;*
 - b) *a Community Governance Review of the number of seats on Harwich Town Council be undertaken and that terms of reference be brought back to the next Council meeting for approval;*
 - c) *no Community Governance Review be taken forward at this time for the following Town / Parish Councils: Bradfield, Brightlingsea, Frinton and Walton, Great Bromley, Manningtree, Mistle, Thorrington, Weeley and Wix;*
 - d) *a Community Governance Review to merge Lawford, Manningtree and Mistle Parish Councils be undertaken only if all three parish councils ask for one; and*
 - e) *Community Governance Reviews for areas of the Tendring District not mentioned in a) to d) above be further considered by the Electoral Review Working Group following the receipt of further information and that their recommendations be brought to a future Council meeting.*
- At the meeting of Full Council on 23rd January 2018 a further report was considered on Community Governance Reviews and it was agreed that:-
 - the terms of reference attached at Appendix A to item A.5 of the Report of the Head of Leadership Support and Community, for a Community Governance Review for the number of seats on Harwich Town Council, be approved.*
- The consultation for both the St Osyth and Harwich Community Governance Reviews ended on 31st March 2018.
- The Electoral Review Working Group considered the responses to the two consultations at a meeting on 30th April 2018. It was noted that:-
 - In relation to the Harwich Community Governance Review that Harwich Town Council had requested an increase in the number of Councillors from 16 to 17 to even out the representation across the wards. There were 26 replies of which 6 (24%) supported an increase in Councillors and 19 (76%) did not.

Having considered the outcome of the public consultation, the Working Group agreed to recommend to Council that the number of Harwich Town Councillors remained at 16 with the existing ward distribution.

- The St Osyth Community Governance Review was implemented because there is currently a small area of land that, following the District Boundary Review, sits within the St Osyth District Council boundary but is not within the St Osyth Parish boundary. The review asked whether this section of land should be brought within the St Osyth Parish boundary. There were 8 responses of which 5 (62%) agreed with the proposed boundary change and 3 (38%) did not.

Having considered the outcome of the public consultation, the Working Group agreed to recommend to Council that the boundary change should be implemented, in order to make the Parish and District boundaries coterminous.

- The remaining timetable for both the St Osyth and Harwich Community Governance Reviews is as follows:-

Action	Date
Draft recommendations considered by Full Council	15 May 2018
Consult on draft recommendations	16 May 2018 to 15 June 2018
Consideration by Electoral Review Working Group	June 2018
Final recommendations considered by Full Council	3 July 2018
Final proposal and order publicised	September 2018
Final arrangements incorporated in Local Elections	May 2019

- In relation to other Community Governance Reviews, as set out above, it was agreed at the meeting on 21st November that for some Town and Parish Councils further information be gathered. This further information was also considered by the Working Group at the meeting on 30th April.

Having considered the additional information (and following a further update provided to the Working Group after the meeting in relation to Thorpe-le-Soken Parish Council) it was agreed that the Working Group recommends to Council that no further Community Governance Reviews be undertaken. This is on the basis that:-

- no other request for a Community Governance Review had been received from any Town and Parish Council;
- no other member of the public had raised any relevant issues; and
- the additional information had not provided any overriding indication that any other Community Governance Review needs to be undertaken.

- The Local Government and Public Involvement in Health Act 2007 provides for a principal council to undertake Community Governance Reviews but unless these are triggered by a community governance petition and certain criteria apply, they are at the principal Council's discretion. Apart from the reviews of St Osyth and Harwich, there is no statutory requirement for the Council in relation to the other

Town and Parish Councils. However, the work that has been undertaken in considering whether Community Governance Reviews should take place is in accordance with the former Department of Communities and Local Government's good practice recommendation to consider conducting a review every 10-15 years, as set out in their 2010 "Guidance on Community Governance Reviews" document."

RECOMMENDATION

It is recommended that:-

- a) in relation to the two Community Governance Reviews for which public consultation has been undertaken:-
 - i. the number of Harwich Town Councillors remains at 16 with the existing parish ward distribution; and
 - ii. a boundary change should be implemented in order to make the St Osyth Parish and District boundaries coterminous.
- b) draft recommendations as set out in a) be made available for public comment in line with the previously agreed timetable;
- c) no Community Governance Review be taken forward at this time for the following Parish Councils: Ardleigh, Alresford, Beaumont, Elmstead, Frating, Great Bentley, Great Oakley, Lawford, Little Bentley, Little Bromley, Little Clacton, Little Oakley, Ramsey and Parkeston, Tendring, Thorpe-le-Soken and Wrabness.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The Council is encouraged to periodically consider whether Community Governance Reviews are undertaken.

FINANCE, OTHER RESOURCES AND RISK

Finance and other resources

Some cost is incurred in undertaking Community Governance Review consultations but this is not expected to be significant and can be met from existing budgets.

Risk

Community Governance Reviews would need to be carefully considered and undertaken in line with statute and guidance to ensure that the outcome is the best one for local residents.

LEGAL

The Local Government and Public Involvement in Health Act 2007 sets out the legal responsibility and arrangements for undertaking Community Governance Reviews.

OTHER IMPLICATIONS

There are none.

PART 3 – SUPPORTING INFORMATION

BACKGROUND PAPERS FOR THE DECISION

There are no background papers.

APPENDICES

There are none.
